

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

USOR SITE PRP GROUP,

Plaintiff,

V.

A-1 CLEANING SEPTIC SERVICE, LLC; A-BEAR CONSTRUCTION, INC.; A-VAC SEPTIC SERVICE, L.L.C.; ADVANCED DISPOSAL SYSTEMS, INC.; AFFORDABLE ENVIRONMENTAL SERVICE LLC; ALAMO ENVIRONMENTAL, INC.; ALLCHEM SERVICES INC.; ALLIANCE PASTEX, LLC; ALTERNATIVE WASTE SOLUTIONS, INC.; APPLE AUTO REPAIR & BODY SHOP; AUNT BEA'S RESTAURANT; AXYS INDUSTRIAL SOLUTIONS, INC.; B&B CORNER CORPORATION D/B/A HONG KONG SUPER MARKET; BB STAR EAST, INC. D/B/A EAST STAR CHINESE BUFFET AND SUSHI BAR; B.W. ASSOCIATES INC. D/B/A PALM RESTAURANT; THE BAKE SHOPPE & CAFÉ; BAYOU CITY ENVIRONMENTAL SERVICES, LP D/B/A USA WASTE TRANSPORTATION SERVICES; BEAUTY ELITE GROUP, INC.; BETOS HYDRO AND SANITATION; BLAST ENVIRONMENTAL & INDUSTRIAL SERVICES INC.; BLUE MARLIN LASER WASH, LLC; BREDERO PRICE CO.; CKG SERVICES LLC; CLP CHEMICALS L.P.; CALCO MARKETING, INC.; CALDERON FOODS INC. D/B/A PAN RIKO BAKERY; CHAR BURGER; CHEMICAL TRANSPORT, INC.; CHILOS SEAFOOD RESTAURANT, INC.; CHINA DOLL RESTAURANT; CITY OF PASADENA, TEXAS; SEVERN TRENT, LLC; CO-TRANS, INC. D/B/A CTI; COAL CITY COB CO., INC.; COLONIAL HOUSE OF SANDWICHES; COMPLEAT CUISINE, INC.; CURRAN INTERNATIONAL, INC.; D-HAWK GREASE TRAP CO.; DSMM, INC. D/B/A POP SUPERMARKET; DAN-LOC BOLT &

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CIVIL ACTION NO. 4:14-cv-02441

## FOURTH AMENDED COMPLAINT

GASKET CO.; DANA TRANSPORT, INC.;	§
DELTA SPECIALTY COATINGS LLC; DON	§
PICO'S MEXICAN RESTAURANT; DONUT	§
TIME; DROUBI'S BAKERY & DELI, INC.;	§
DUAL TRUCKING INC.; E.S.R.	§
ELECTRONICS, INC.; EAGLE	§
CONSTRUCTION AND ENVIRONMENTAL	§
SERVICES, LLC D/B/A SWS	§
ENVIRONMENTAL SERVICES; EAGLE	§
CONSTRUCTION AND ENVIRONMENTAL	§
SERVICES, INC.; EAGLE CONSTRUCTION	§
AND ENVIRONMENTAL SERVICES, L.P.;	§
SWS ENVIRONMENTAL, LLC; ECONOMIC	§
ENVIRONMENTAL SERVICES, INC.; EL	§
IMPERIAL MEXICAN RESTAURANTS, INC.	§
D/B/A EL IMPERIAL MEXICAN	§
RESTAURANT; EL PAPATURRO; EL	§
TAQUITO MEAT MARKET INC.; ENVIRO-	§
VAC, LTD.; EVERGREEN ENVIRONMENTAL	§
SERVICES, LLC D/B/A EVERGREEN	§
INDUSTRIAL SERVICES; ENVIRONMENTAL	§
DISPOSAL SOLUTIONS, INC.; EVERGREEN	§
VACUUM SERVICE, LLC; EXCEL	§
INDUSTRIAL GROUP, LLC; FAM MARINE	§
SERVICES, INC.; FAMOUS WOK USA, INC.;	§
FAROUK SYSTEMS, INC.; FIREBIRD BULK	§
CARRIERS, INC.; FLAN EX	§
TRANSPORTATION; FLUID SEALING	§
PRODUCTS, INC.; FRANK'S GRILL; FULTON	§
WASHATERIA; GC REMEDIATION, LTD.;	§
GEORGE'S PIZZERIA & ITALIAN CUISINE;	§
GO WEST FABRICATORS & RIG STAR, INC.;	§
DREFCO, INC. D/B/A GO WEST	§
FABRICATORS; GOLDEN OPPORTUNITY	§
RECYCLING SERVICE; GOODGAMES	§
INDUSTRIAL SOLUTIONS, LLC; GRAND	§
PARKWAY DOCTORS CENTER; GREASE	§
RECYCLERS CO-OP; GREENHUNTER	§
BIOFUELS, INC.; GRISBY'S, INC.;	§
GULBRANDSEN TECHNOLOGIES INC.;	§
GULF STATES ENVIRONMENTAL	§
SOLUTIONS, INC.; H2O INDUSTRIAL	§
SERVICES, LLC; HGM PRODUCTS GROUP,	§
LLC; HERNANDEZ TX TACO EXPRESS;	§
HIPPO WASTE SYSTEMS, LLC; HOLCOMB	§
ENVIRONMENTAL OIL SERVICES LLC;	§

HOUSTON SHUTTERS LLC; HSIANG E §  
 ENTERPRISE, LLC D/B/A SASAKI JAPANESE §  
 RESTAURANT; INTERNATIONAL BANK OF §  
 COMMERCE; JDST, INC. D/B/A SOL §  
 SUPERMARKET; K-3 RESOURCES, L.P. §  
 D/B/A K-3BMI; KHSS VENTURES, INC. §  
 D/B/A SKILLET'S; KAREN & KAREN, INC. §  
 D/B/A PIATTO RISTORANTE; KELLY- §  
 SPRINGFIELD; LH NEAT SERVICES, LLC §  
 D/B/A KIM HAI CHINESE AND §  
 VIETNAMESE; LA PUPUSA LOCA §  
 RESTAURANT; LAFAYETTE CAJUN §  
 SEAFOOD; LAZEEZA RESTAURANT; LE §  
 CEP, INC. D/B/A BISTRO LE CEP; LEWIS' §  
 ACRES SERVICE, INC.; LION INDUSTRIAL §  
 RESOURCES, INC.; LOCKHEED MARTIN §  
 CORPORATION; LOS CUCOS MEXICAN §  
 CAFE, INC.; MMJ INDUSTRIES, INC.; MTI §  
 ENVIRONMENTAL LLC; MTI SERVICES, §  
 LLC; MARKET TRUCK STOP, INC. D/B/A §  
 TEXAS TRUCK STOP; MASTER-HALCO, §  
 INC.; MAYURI INDIA CUISINE, INC. D/B/A §  
 MAYURI INDIAN RESTAURANT; METRO §  
 GREASE SERVICE LLC; MILENA INC. D/B/A §  
 DA MARCO; MILLER'S CAFE; MO BETTER §  
 MEAT COMPANY INC.; MOON PALACE, §  
 INC.; MORCO TESTING; MORGAN OIL CO.; §  
 NEW YORK PIZZERIA, INC.; NORTH §  
 AMERICAN MARINE, INC.; NORTH §  
 AMERICAN OIL; NAOR; NORTH AMERICAN §  
 PACKAGING CORP.; OIL PATCH §  
 TRANSPORTATION, INC.; OLYMPIA BREAD §  
 CONCEPTS CORP. D/B/A STONE MILL §  
 BAKERS; 15700 JFK BOULEVARD, LLC §  
 D/B/A SHERATON HOUSTON NORTH; PSC §  
 INDUSTRIAL SERVICES, LP; PSC §  
 INDUSTRIAL OUTSOURCING, LP; PWT §  
 ENTERPRISES, INC. D/B/A KING KLEEN §  
 CAR WASH; PATTY OIL SERVICE; §  
 PEARLAND INDEPENDENT SCHOOL §  
 DISTRICT; PEIFON FOOD USA, INC. D/B/A §  
 SOUTHERN NOODLE COMPANY, INC.; §  
 PHILIP RECLAMATION SERVICES, §  
 HOUSTON, LLC; PHOENIX POLLUTION §  
 CONTROL & ENVIRONMENTAL SERVICES, §  
 INC.; PHO'S INVESTMENT INC. D/B/A §

CHINESE WOK; POLYMER CHEMISTRY §  
 INNOVATIONS, INC.; POOM THAI, INC. §  
 D/B/A NIT NOI RESTAURANT; PREMIER §  
 CASH INC. D/B/A JUST OXTAILS SOUL §  
 FOOD AND FORTY WEIGHT GRAVY; §  
 PRINCE'S HAMBURGERS; R.I.J. INDUSTRIES §  
 INC. D/B/A PORT CAFE; REGIO VACUUM §  
 SERVICE, INC.; RESCAR COMPANIES, INC.; §  
 RIOVERDE TAQUERIA Y RESTAURANTE; §  
 RUMAN ADEM, INC. D/B/A PAN DU JOUR; §  
 S&K PETROLEUM TRANSPORTATION, INC.; §  
 S. HOLCOMB ENTERPRISES, INC. D/B/A §  
 HOLCOMB OIL RECYCLING; SAFARI §  
 RESTAURANT; SAVASENIORCARE, LLC; §  
 SCHULTZ BROS., INC.; SEAFOOD CORNER; §  
 SEMASYS, INC.; SHAWCOR PIPE §  
 PROTECTION, LLC; SHELDON §  
 INDEPENDENT SCHOOL DISTRICT; §  
 SHYAMA ENTERPRISES, INC. D/B/A §  
 FLAGSHIP AUTO/TRUCK STOP; SOUTH §  
 BEACH POOLS, LLC; SOUTHERN §  
 DISCOUNT VACUUM SERVICE; §  
 SOUTHWASTE DISPOSAL, LLC; §  
 SPECIALIZED MAINTENANCE SERVICES, §  
 INC.; SPECIALIZED WASTE SYSTEMS, INC.; §  
 SPECIALTY METAL FINISHING, INC.; THE §  
 STANLEY GROUP, INC. D/B/A KWIK KAR §  
 LUBE & TUNE ON BROADWAY; SUNBELT §  
 STEEL TEXAS, INC.; SYNTECH §  
 CHEMICALS, INC.; TAP, INC. D/B/A BIG K §  
 ENVIRONMENTAL; TAQUERIA EL ALTENO §  
 NO. 1 INC. D/B/A TAQUERIA EL ALTENO; §  
 TAQUERIA EL SOL DE JALISCO; TAQUERIA §  
 LAS LLARDAS MEXICAN RESTAURANT, §  
 INC.; TEODORO HINOJOSA, INC. D/B/A HET §  
 ENVIRONMENTAL; TEX-TUBE CO.; TEXAS §  
 CITY INDEPENDENT SCHOOL DISTRICT; §  
 TEXAS COUPLINGS, L.P.; TEXAS §  
 INTERNATIONAL BOX COMPANY & §  
 RENTALS, INC.; TEXAS INTERNATIONAL §  
 BOX CO.; THIEM HUNG BAKERY; THREE §  
 GRINGOS RESTAURANT CONSULTANTS, §  
 INC. D/B/A FAJITA FLATS; TIERRA VIVA §  
 INC. D/B/A EL PUEBLITO PATIO AND §  
 MANGO'S CANTINA; TIOMAN ISLAND, INC. §  
 D/B/A FAR EAST CHINESE RESTAURANT; §

TIONA TRUCK LINE, INC.; TITO'S TACO	§
SHOP; TNG UTILITY CORPORATION; TOP	§
NOTCH TRANSPORTATION, INC.; TRANS-	§
GLOBAL SOLUTIONS, INC.; TRI LOTUS	§
SEAFOOD, INC. D/B/A LOTUS SEAFOOD	§
MARKET; TUNG HOI RESTAURANT INC.	§
D/B/A TUNG HOI RESTAURANT; TURNECO	§
OIL AND SERVICE; TURNER CO.; US	§
WASTE INDUSTRIES, INC.; USA	§
ENVIRONMENT, LP; USA INDUSTRIAL	§
SERVICES; USA VACUUM, LLC; W.	§
PERRY'S INC.; WEATHERFORD U.S., L.P.;	§
and YALE GRILL AND DINER,	§
	§
Defendants.	§

#### **FOURTH AMENDED COMPLAINT**

For its Fourth Amended Complaint, Plaintiff USOR Site PRP Group (“USOR Site PRP Group”), by and through counsel, alleges as follows:

#### **STATEMENT OF THE CASE**

1. This is a civil action pursuant to the provisions of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. § 9601 *et seq.* (“CERCLA”) and the Texas Solid Waste Disposal Act, Tex. Health & Safety Code Ann. § 361.001 *et seq.* (“TSWDA”), for recovery of past and future response costs incurred and to be incurred by the USOR Site PRP Group for response activities undertaken and to be undertaken at the U.S. Oil Recovery Superfund Site, which consists of property located at 200 North Richey Street and 400 North Richey Street in the City of Pasadena, Harris County, Texas, as well as any area where hazardous substances that migrated from the U.S. Oil Recovery Superfund Site have come to be located (hereinafter “USOR Site”).

2. The USOR Site PRP Group seeks cost recovery and contribution from each Defendant pursuant to Sections 107(a) and 113(f) of CERCLA, 42 U.S.C. §§ 9607(a) and

9613(f), and pursuant to Sections 361.343 and 361.344 of the TSWDA, Tex. Health & Safety Code Ann. §§ 361.343, 361.344, for past and future response costs which the USOR Site PRP Group has paid and may pay in the future at the USOR Site, along with a declaration as to each Defendant's liability and an allocation of past and future response costs among all parties.

3. The USOR Site PRP Group also seeks damages on its breach-of-contract claims against Defendants Allchem Services Inc. and USA Environment, LP.

### **JURISDICTION AND VENUE**

4. This Court has jurisdiction over the subject matter of this action pursuant to Sections 107(a) and 113(b) of CERCLA, 42 U.S.C. §§ 9607(a) and 9613(b), providing jurisdiction over controversies arising under CERCLA; and pursuant to 28 U.S.C. § 1331, providing for jurisdiction over controversies involving federal questions of law. This Court has supplemental jurisdiction over the TSWDA and breach-of-contract claims since the federal and state law claims in this cause derive from the same set of facts.

5. Venue is proper in this district pursuant to Sections 107(a) and 113(b) of CERCLA, 42 U.S.C. §§ 9607(a) and 9613(b); 28 U.S.C. §§ 1391(b) and (c); and Section 361.344 of the TSWDA, Tex. Health & Safety Code Ann. § 361.344, because the release or threatened release of hazardous substances occurred at or from the USOR Site located in this judicial district and in Harris County.

### **ALLEGATIONS COMMON TO ALL CLAIMS**

6. The USOR Site encompasses approximately 18 acres and consists of two separate properties located at the former U.S. Oil Recovery facility at 400 N. Richey Street and the MCC Recycling facility at 200 N. Richey Street, respectively, in the City of Pasadena, Harris County, Texas. The 200 N. Richey Street property was a former sewage treatment plant owned by

Defendant City of Pasadena, Texas from approximately 1944 until it was acquired by U.S. Oil Recovery in January 2009. The 200 N. Richey Street property was also operated by Defendant Severn Trent Environmental Services, Inc. (“Severn Trent”) from March 1994 through April 2004.

7. Throughout its operating life, the U.S. Oil Recovery facility portion of the USOR Site received and performed wastewater pretreatment of municipal and Industrial Class I and Class II wastewater, characteristically hazardous waste, used oil and oily sludges, and municipal solid waste. Associated operations were conducted at the MCC Recycling facility portion of the USOR Site after it was acquired by U.S. Oil Recovery from the City of Pasadena in January 2009.

8. U.S. Oil Recovery kept track of materials that were brought to the USOR Site through hazardous waste manifests and invoices (hereinafter collectively “USOR Site Records”).

9. The USOR Site property was abandoned by the owners and operators in June 2010. In July 2010, a State court appointed a Receiver with legal custody and control over the USOR Site. Among other things, the Receiver’s role is to assist the USOR Site PRP Group in its performance of EPA-approved response actions at the USOR Site.

10. On July 1, 2010, the Texas Commission on Environmental Quality (“TCEQ”) and Harris County Public Health and Environmental Services (“HCPHES”) contacted the National Response Center (“NRC”) and U.S. Environmental Protection Agency (“EPA”) hotlines requesting assistance in stabilizing the Site and managing a large volume of hazardous substances and waste in preparation for a significant weather season, based on the historical USOR Site knowledge and the near proximity to Vince Bayou.

11. As of July 2010, the U.S. Oil Recovery facility portion of the USOR site included 225 (25 cubic yard) roll-off containers, some or all of which are owned by AW Systems, LLC (“AW Systems”), Dynamic Rental Systems, Inc. (“Dynamic Rental”) and Tidal Tank, Inc. (“Tidal Tank”); approximately 797 (55 gallon) drums; approximately 212 (300 to 400 gallon) totes; approximately 24 (1,000 to 30,000 gallon) above-ground storage tanks (“ASTs”) in varying degrees of operability outside on the north end of the facility with secondary containments; an approximate 300,000 gallon capacity dual cell bioreactor in poor condition located in the northwest side of the U.S. Oil Recovery facility portion with approximately three to four feet of material (liquids, sludge and solids) and structural damage (reportedly from March-April 2009); two (20,000 gallon) frac tanks in good condition owned by Adler Tank Rentals, LLC (“Adler Tank”); a large full retention pond on the west side of the U.S. Oil Recovery facility portion; and a parking lot with standing water between the office and the warehouse. The Frost National Bank (“Frost Bank”) is also the past and/or present owner of some or all of the above equipment.

12. The MCC facility portion of the USOR Site was operated out of the U.S. Oil Recovery facility portion, but is located on both sides of Vince Bayou just southeast across the railroad tracks from the U.S. Oil Recovery facility. As of July 2010, the northeast section of the MCC facility portion consisted of two clarifiers, two oxygen digesters, an oxygen activation sludge unit, an oxygen plant, a chlorination building, a lift station, a gravity thickener, an aerobic digester, a belt filter press building, a pump control room, a chlorine contact tank (basin/concrete containment area), and one (25 cubic yard) roll-off container owned by AW Systems. As of July 2010, the southwest section of the MCC facility portion consisted of a high-rate trickling filter,



an oil-water separator, a primary clarifier, a final clarifier, and two lift stations. Frost Bank is also the past and/or present owner of some or all of the above equipment.

13. EPA conducted three emergency response actions at the USOR Site in July 2010, November 2010 and January 2011, respectively.

14. EPA and its contractors performed preliminary assessments at the USOR Site on July 2, 2010, November 9, 2010 and January 25, 2011. These preliminary assessments identified and observed the historic ongoing release of hazardous substances from the USOR Site property, both at the U.S. Oil Recovery facility and the MCC facility portions of the USOR Site.

15. On July 2, 2010, EPA activated Emergency Rapid Response Services (“ERRS”) contractors to the USOR Site to contain off-site migration, mitigate the threat, and stabilize the USOR Site. Containment actions included placement of booms and absorbent pads, use of pumps and 13 frac tanks, and establishing temporary staging areas for warehouse drums and totes following segregation. Mitigation actions included dropping containment content elevations to below overflow threat levels creating free-board or emptying completely, drum over-packing, drum and tote sampling and assessing by filed hazards characterization analysis, drum and tote segregating and marking, securing roll-off containers (with tarps, bows, or poles as needed), and securing perimeter fencing (repaired section of damaged fence and replaced missing locks).

16. Contaminated liquids at the USOR Site that accumulated from overflowing roll-off containers, containments, secondary containments, the retention pond, unloading bays, leaking drums and totes, and the parking lot were shipped off-site and disposed of at the Inter Gulf Corporation facility in Pasadena, Texas. The total volume of contaminated liquids removed from the USOR Site during EPA’s three emergency response actions was approximately 833,500 gallons. Some of the liquids were neutralized to bring the pH above 2.0 for disposal facility

acceptance. Drums and totes inside the warehouse were marked according to field hazard characterization analyses, segregated, over-packed if necessary, and staged according to hazard class.

17. On November 8, 2010, the EPA On Scene Coordinator (“OSC”) was contacted by TCEQ and requested additional response assistance at the USOR Site to manage USOR Site runoff of contaminated storm water. EPA activated ERRS contractors and Superfund Technical Assessment and Response Team (“START-3”) contractors to mobilize to the USOR Site, contain off-site migration, mitigate the threat, and stabilize the USOR Site. Containment actions included placement of booms and absorbent pads, use of pumps and vacuum trucks, and shipment of liquids for disposal/fuels blending. Mitigation actions included dropping containment content elevations to below overflow threat levels creating free-board or emptying completely, drum and tote management, and containment spray wash where needed or practical. Stabilization actions included reassessing and mitigating any potential threats at the U.S. Oil Recovery facility and MCC facility portions of the USOR Site, respectively.

18. Contaminated liquids that accumulated from overflowing containments, secondary containments, unloading bays, leaking drums and totes, and the parking lot were shipped off-site and disposed of at the Inter Gulf Corporation facility in Pasadena, Texas. Some of the liquids were neutralized to bring the pH above 2.0 for disposal facility acceptance. Some liquids received treatment to address significant hydrogen sulfide levels prior to disposal facility acceptance. Drums and totes inside the warehouse were managed to continue appropriate segregation and containment. Containments and secondary containments that were open to the elements were emptied of liquids and sludges to minimize future overflow and off-site contamination. Sludges were sampled, transported and disposed of accordingly at the Waste

Management facility in Conroe, Texas and the U.S. Ecology facility in Robstown, Texas, respectively.

19. During EPA's emergency response actions at the USOR Site, hazardous substances were detected at and around the USOR Site. Acetone was detected at 1,390 and 1,400 µg/L in samples collected from two uncontrolled releases at the MCC facility portion of the USOR Site, which were draining directly into Vince Bayou. Acetone was also detected in the water sample collected from the top 12 inches of water in the retention pond. Benzene was detected at 18.9 and 46.4 µg/L in samples collected from two uncontrolled releases at the MCC facility portion of the USOR Site, which were draining directly into Vince Bayou. Benzene was also detected at 3.75 mg/L in a sludge sample collected from an AST in the north tank farm at the U.S. Oil Recovery facility portion of the USOR Site. Ethyl benzene was detected at 57.5 and 757 µg/L in samples collected from two uncontrolled releases at the MCC facility portion of the USOR Site, which were draining directly into Vince Bayou. Toluene was detected at 70 and 258 µg/L in samples collected from two uncontrolled releases at the MCC facility portion of the USOR Site, which were draining directly into Vince Bayou. Xylenes were detected at 426 and 4,320 µg/L in samples collected from two uncontrolled releases at the MCC facility portion of the USOR Site, which were draining directly into Vince Bayou. Methyl ethyl ketone was detected at 203 and 198 µg/L in samples collected from two uncontrolled releases at the MCC facility portion of the USOR Site, which were draining directly into Vince Bayou. Methyl ethyl ketone was also detected at 0.695 mg/L in a sludge sample collected from an AST in the north tank farm at the U.S. Oil Recovery facility portion of the USOR Site. Hydrogen sulfide was detected as high as 1,000 ppm in the liquids recovered from the north tank farm at the U.S. Oil

Recovery facility portion of the USOR Site. Sodium hydroxide was detected in an above-ground poly-tank at the U.S. Oil Recovery facility portion of the USOR Site.

20. On August 25, 2011, several potentially responsible parties (“PRPs”), including members of the USOR Site PRP Group, entered into an “Administrative Settlement Agreement and Order on Consent for Removal Action,” CERCLA Docket No. 06-10-11 (“Removal Action AOC”) with EPA to perform specified remaining time-critical removal action activities at the USOR Site, which activities are not yet completed.

21. The Removal Action AOC also requires members of the USOR Site PRP Group to pay future response costs incurred by EPA at the USOR Site after the effective date of the Removal Action AOC (August 25, 2011), which are not inconsistent with the National Oil and Hazardous Substances Pollution Contingency Plan promulgated pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, codified at 40 C.F.R. Part 300, and any amendments thereto (“NCP”).

22. On May 14, 2015, several PRPs, including members of the USOR Site PRP Group, entered into an “Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study,” CERCLA Docket No. 06-03-15 (“AOI-1 RI/FS AOC”) with EPA to perform a Remedial Investigation/Feasibility Study on the 400 N. Richey Street portion of the USOR Site, which activities are not yet completed.

23. On July 14, 2016, several PRPs, including members of the USOR Site PRP Group, entered into a second “Administrative Settlement Agreement and Order on Consent for Removal Action,” CERCLA Docket No. 06-11-16 (“Second Removal Action AOC”) with EPA to perform additional time-critical removal action activities at the USOR Site, which activities are not yet completed.

24. The Second Removal Action AOC also requires members of the USOR Site PRP Group to pay future response costs incurred by EPA at the USOR Site after the effective date of the Second Removal Action AOC (July 14, 2016), with advance payment of \$50,000 of EPA's future response costs.

25. To date, the removal action activities conducted by the USOR Site PRP Group under the Removal Action AOC and Second Removal Action AOC include: (1) USOR Site security and video monitoring; (2) regular inspections of the USOR Site; (3) pump down/removal of liquids as necessary to prevent releases from containment areas; (4) removal/disposal of sludges and liquids from two frac tanks and approximately 226 roll-off containers, washing of the roll-off containers, and subsequent transfer of the washed roll-off containers to a temporary off-site storage location; (5) removal/disposal of liquids, sludges and PVC piping from the bioreactor located on the U.S. Oil Recovery facility portion of the USOR Site; (6) demolition of the bioreactor; (7) removal of concrete/steel bioreactor demolition debris; (8) pumpdown and discharge to Vince Bayou (with prior TCEQ and EPA approval) of accumulated rainwater within the on-site Containment Pond; (9) removal/disposal of solids and liquids from certain former process equipment items; and (10) hurricane preparedness work at the USOR Site. As part of these efforts, the USOR Site PRP Group has removed and transported/discharged off-site approximately 4,800,000 gallons of liquids and 2,700 tons of sludges.

26. As part of the removal action efforts, the USOR Site PRP Group has also completed the assessment of approximately 1,100 containers (drums and totes) from within the warehouse and other areas on the U.S. Oil Recovery facility portion of the USOR Site. Following receipt of analytical data for samples collected from these containers, a plan for

removal and off-site disposal of the containers and their contents was developed and implemented.

27. As part of the Removal Action AOC efforts, the USOR Site PRP Group also sampled, characterized and removed the contents of approximately 30 ASTs located within the tank farm at the USOR Site. The liquid wastes in these ASTs have been removed and disposed off-site. As part of the Second Removal Action AOC efforts, removal/disposal of the solid wastes in these ASTs is underway. Additional removal actions are anticipated to be performed, as USOR Site conditions warrant action, consistent with the requirements of the Removal Action AOC and Second Removal Action AOC.

28. Additionally, the USOR Site PRP Group commenced field work under the AOI-1 RI/FS AOC on May 2, 2016 pursuant to the AOI-1 RI/FS AOC Work Plan. As part of the RI/FS work, the USOR Site PRP Group has obtained access to adjacent properties, collected soil, sediment, and surface water samples, conducted cone penetrometer testing and rapid optical screening tool testing, validated data collected from samples and established and shared with EPA a database for RI/FS data. Additional RI/FS work is anticipated to be performed consistent with the AOI-1 RI/FS AOC.

29. To date, the USOR Site PRP Group has incurred over \$18,000,000 in response costs at the USOR Site to perform the response cost activities required by the Removal Action AOC, AOI-1 RI/FS AOC, and Second Removal Action AOC.

30. The response costs the USOR Site PRP Group has incurred are necessary to address the release and/or threatened release at the USOR Site as required by EPA and/or the State of Texas, and as such, are reasonable and consistent with the NCP.

31. The USOR Site PRP Group will continue to incur response costs to perform the activities required by the Removal Action AOC and AOI-1 RI/FS AOC.

32. In addition, the USOR Site PRP Group has voluntarily incurred other response costs, including consultant and attorney's fees and expenses to search for other PRPs associated with the USOR Site, and other consultant and attorney's fees and expenses that are closely tied to the response actions at the USOR Site, which the USOR Site PRP Group is also entitled to recover against parties liable under CERCLA and/or the TSWDA.

33. The USOR Site PRP Group will continue to incur millions of dollars in response costs to conduct response actions at the USOR Site required by EPA and/or the State of Texas.

#### **THE PARTIES**

34. The USOR Site PRP Group consists of the following entities in their own right, and as assignees of all entities who have or will assign their CERCLA and TSWDA cost-recovery and contribution rights to the USOR Site PRP Group: Aerojet, Inc.; Air Products and Chemicals, Inc.; Air Products LLC, as successor in interest to Air Products, L.P.; Akzo Nobel Functional Chemicals LLC, as successor to Akzo Nobel Polymer Chemicals LLC; Allied Petrochemical, LLC; American Acryl L.P.; American Spring Wire Corporation; American Valve & Hydrant Mfg. Company; Andrews Transport, L.P.; Aqua Solutions, Inc.; Ashland Inc.; Baker Petrolite LLC; Baker Hughes Oilfield Operations, Inc. and on behalf of Valkyrie Commission Services; BASF Corporation; Berg Environmental Services, Inc.; Blentech Corporation; BNSF Railway Company; BP Products North America Inc.; BP Amoco Chemical Company, for and on behalf of BP Solvay Polyethelyne; CenterPoint Energy Houston Electric, LLC; Channel Shipyard Inc.; Clean Harbors San Leon, Inc. f/k/a/ DuraTherm, Inc.; Cray Valley U.S.A., LLC; Crown, Cork & Seal Inc.; DCP Midstream, LP, on behalf of DCP Southeast Texas Plants LLC

f/k/a Raywood Gas Plant, LLC; Dana Container, Inc.; Deer Park Energy Center LLC/Brazos Valley Energy LLC; Domco Products Texas Inc.; The Dow Chemical Company; Ecolab Inc.; Effective Environmental, Inc.; Enable Pipeline Services, LLC (formerly CenterPoint Energy Pipeline Services LLC); Ensource Corporation; Enterprise Products Operating LLC on behalf of Enterprise Products Operating, LLC, Enterprise Refined Products Company, LLC, Enterprise TE Products Pipeline Company, LLC, fka TEPPCO, and Enterprise Transportation Company; Ethyl Corporation; Evonik Oil Additives USA, Inc. (f/k/a Evonik RohMax USA, Inc.); Explorer Pipeline Company; Flex Oil Service, LLC; FMC Technologies, Inc.; Fort Bend Regional Landfill, L.P.; Garner Environmental Services, Inc.; GATX Corporation; General Dynamics Ordnance and Tactical Systems, Inc.; General Electric Company; Groendyke Transport, Inc.; Hexion Inc. f/k/a Momentive Specialty Chemicals Inc.; Houston Pipe Line Company, LP; Hydrocarbon Resource Recovery, L.L.C.; INEOS Polyethylene NA; INEOS Styrolution America LLC; Innovene Polymers Inc.; Innovene Polyethylene N.A.; InkJet, Inc.; Keith, Inc.; Kern-Liebers Texas, Inc.; Kirby Inland Marine, LP; KMCO, LLP; KMTEX, LTD.; LBC Houston, L.P.; Leedo Manufacturing Co. L.P.; LEL Environmental, Ltd.; Lighthouse Environmental Services, Inc.; Lone Star NGL Mont Belvieu LP; Louisiana-Pacific Corporation; The Lubrizol Corporation; Magellan Terminals Holdings, L.P.; Marathon Petroleum Company LP; Miller Transporters, Inc.; Mitsubishi Caterpillar Forklift America Inc.; National Oilwell Varco LP on behalf of National Oilwell Varco, L.P., Andersgauge USA Inc., Grant Prideco LP, Turboscope, Varco Shaffer, T-3 Energy, Pipeline Valve Specialty, R&M Energy Systems, NOV and Robbins & Myers Energy Systems LP; Norson Services LLC; ONEOK Hydrocarbon Southwest, L.L.C.; O'Rourke Dist. Co., Inc.; PLT3 Liabilities Holdings, L.P. f/k/a Oxid, L.P.; Pilot Industries of Texas; Powell Industries, Inc.; Powell Electrical Systems, Inc. successor to



Powell Electrical Manufacturing Company; Pulido Trucking, L.P.; Quala Systems, Inc., for itself and as the indemnitor of Qualawash Holdings, LLC; REM Research Group, Inc.; Safety Kleen Systems, Inc.; Schlumberger Technology Corporation; Schneider National Bulk Carriers, Inc.; South Coast Terminals LP; Southwest Shipyard, L.P.; Stolt-Nielsen USA Inc.; Sun Coast Resources, Inc.; The Sun Products Corporation; Superior Packaging & Distribution, L.P.; Targa Downstream LLC; Targa Midstream Services LLC (f/k/a Dynegy Midstream Services, L.P.); Tenaris Coiled Tubes LLC/Maverick Tube Corp.; Texas Barge & Boat, Inc.; Texas Oil and Gathering, Inc.; Texas Tile Manufacturing LLC; Texas United Pipe, Inc.; Texmark Chemicals, Inc.; Tideport Distributing, Inc.; Total Petrochemicals & Refining USA, Inc., on behalf of Cray Valley U.S.A., LLC; TPC Group, LLC (f/k/a Texas Petrochemicals Corporation); Trimac Transportation Inc. f/k/a Trimac Transportation South Inc.; TT Barge Services Mile 237, LLC; TT Barge Cleaning Mile 183, Inc.; United Airlines, Inc.; United States Steel Corporation and its subsidiaries, U.S. Steel Tubular Products, Inc. and U.S. Steel Oilwell Services, LLC, on behalf of Delta Tubular Processing and Delta Tubular International; Valero Marketing and Supply Company; Valero Refining Company – Texas, L.P.; Valero-Terminaling & Distribution Company; Vopak Logistics Services USA, Inc. on its own behalf and on behalf of Vopak Terminal Galena Park, Inc.; Walbar, Inc.; Waste Management of Texas, Inc., on behalf of itself, USA Waste of Texas Landfill, Inc., Cougar Landfill, Inc. and S&J Landfill Limited Partnership; Weatherford U.S., L.P., as predecessor in interest of P Chem, Inc.; Western Oilfields Supply Co. d/b/a Rain for Rent; Western Waste of Texas, LLC; and West Texas Drum Company.

35. According to USOR Site Records, in at least February 2006, Defendant A-1 Cleaning Septic Service, LLC (“A-1 Cleaning”) accepted at least 3,000 gallons of waste

containing hazardous substances for transport to the USOR Site, which was selected by A-1 Cleaning.

36. The waste streams transported by A-1 Cleaning are described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: acetone, arsenic, cadmium, chromium, copper, dichloroethylene, lead, mercury, methyl ethyl ketone, methylene chloride, molybdenum, nickel, selenium, toluene, trichloroethane, trichloroethylene and/or zinc.

37. The waste streams A-1 Cleaning transported to the USOR Site were generated by Brookwood Community and Sams Club.

38. The waste streams transported to the USOR Site by A-1 Cleaning fall within the definition of “solid waste” under the TSWDA.

39. To date, A-1 Septic has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

40. According to USOR Site Records, in at least January 2004, Defendant A-Bear Construction, Inc. (“A-Bear Construction”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 110 gallons of waste containing hazardous substances owned or possessed by A-Bear Construction, at the USOR Site.

41. The waste streams generated by A-Bear Construction are described on USOR Site Records as “2 drums” and “org [sic]” and contained some or all of the following hazardous substances: acetone, asbestos, benzo(a)anthracene, benzo(a)pyrene, cadmium, chromium, copper, cresol, dichloroethylene, fluorene, lead, methyl ethyl ketone, methylene chloride, nickel, phenanthrene, tin, toluene, trichloroethane, trichloroethylene and/or zinc.

42. On certain occasions, A-Bear Construction arranged with transporter Oil Mop, LLC to transport A-Bear Construction's waste streams to the USOR Site.

43. The waste streams generated by A-Bear Construction fall within the definition of "solid waste" under the TSWDA.

44. By letter dated November 21, 2014, the USOR Site PRP Group notified A-Bear Construction of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site, and offered A-Bear Construction the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

45. To date, A-Bear Construction has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

46. According to USOR Site Records, from at least October 2005 to February 2006, Defendant A-Vac Septic Service, L.L.C. ("A-Vac Septic") accepted for transport to the USOR Site, which was selected by A-Vac Septic, and/or by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment of waste owned or possessed by A-Vac Septic, at least 6,785 gallons of waste containing hazardous substances at the USOR Site.

47. The waste streams generated by and/or transported by A-Vac Septic are described on USOR Site Records as "grease" and contained some or all of the following hazardous substances: acetone, arsenic, cadmium, chromium, copper, dichloroethylene, lead, mercury, methyl ethyl ketone, methylene chloride, molybdenum, nickel, selenium, toluene, trichloroethane, trichloroethylene and/or zinc.

48. On certain occasions, A-Vac Septic transported its own waste streams to the USOR Site.

49. The waste streams generated by A-Vac Septic and/or transported to the USOR Site by A-Vac Septic fall within the definition of “solid waste” under the TSWDA.

50. By letters dated December 5, 2013 and December 12, 2014, the USOR Site PRP Group notified A-Vac Septic of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered A-Vac Septic the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

51. To date, A-Vac Septic has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

52. According to USOR Site Records, from at least December 2002 through at least October 2003, Defendant Advanced Disposal Systems, Inc. (“Advanced Disposal”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 4,530 gallons of waste containing hazardous substances owned or possessed by Advanced Disposal, at the USOR Site.

53. The waste streams Advanced Disposal arranged for disposal are described on USOR Site Records as “oily water” and contained some or all of the following hazardous substances: acetone, arsenic, cadmium, chromium, copper, dichloroethylene, ethyl benzene, iron, lead, mercury, methylene chloride, methyl ethyl ketone, nickel, selenium, silver, toluene, trichloroethane, trichloroethylene, xylenes and/or zinc.

54. The waste streams Advanced Disposal arranged for disposal at the USOR Site were generated by Galveston County Transit and Galveston Island Transit.

55. The waste streams arranged for disposal at the USOR Site by Advanced Disposal fall within the definition of “solid waste” under the TSWDA.

56. By letters dated December 5, 2013 and December 12, 2014, the USOR Site PRP Group notified Advanced Disposal of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Advanced Disposal the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

57. To date, Advanced Disposal has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

58. Defendant Affordable Environmental Service LLC (“Affordable Environmental”) is the successor to and/or is also known as Affordable Environmental Solutions (“Affordable Environmental Solutions”).

59. According to USOR Site Records, from at least October 2003 to September 2005 Affordable Environmental Solutions accepted for transport to the USOR Site, which was selected by Affordable Environmental Solutions, and/or by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment of waste owned or possessed by Affordable Environmental Solutions, at least 41,443 gallons of waste containing hazardous substances at the USOR Site.

60. The waste streams generated by Affordable Environmental Solutions are described on USOR Site Records as “dril quip [sic],” “drilling mud,” “grease,” “grease trap,” “grit,” “grit trap,” “lint trap,” “oily water” and “waste water holding tank (non-hazard),” and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, ethyl benzene, dichloroethylene, iron, lead, manganese, mercury, methyl ethyl ketone, methylene chloride, molybdenum, nickel, selenium, silver, toluene, trichloroethane, trichloroethylene, xylenes and/or zinc.

61. On certain occasions, Affordable Environmental Solutions transported its own waste streams to the USOR Site.

62. The waste streams Affordable Environmental Solutions transported to the USOR Site were generated by AAR Inc., Dril Quip and Kings Car Wash.

63. The waste streams generated by Affordable Environmental Solutions and/or transported to the USOR Site by Affordable Environmental Solutions fall within the definition of “solid waste” under the TSWDA.

64. By letter dated December 5, 2013, the USOR Site PRP Group notified Affordable Environmental of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Affordable Environmental the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

65. To date, Affordable Environmental has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

66. According to USOR Site Records, from at least July 2004 to December 2008, Defendant Alamo Environmental, Inc. (“Alamo Environmental”) accepted for transport to the USOR Site, which was selected by Alamo Environmental, and/or by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment of waste owned or possessed by Alamo Environmental, at least 513,156 gallons of waste containing hazardous substances at the USOR Site.

67. The waste streams transported by Alamo Environmental were RCRA hazardous waste described on USOR Site Records as “aqueous waste with low other toxics (aqueous waste water)” and “waste, toxic liquid, organic, NOS (RQ, phenol, formaldehyde) 6.1, UN3287, 1.”

68. The waste streams generated by Alamo Environmental are also described on USOR Site Records as “non DOT regulated material (drilling mud),” “fuel oil,” “non DOT regulated material (oil and water emulsion) universal waste,” “non DOT regulated material (rainwater),” “oil,” “oil and water emulsion,” “oily,” “oily water,” “organic,” “other aqueous waste or wastewater (scrubber water),” “used oil,” “used oil fuel” and “used oil for recycle” and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, dichloroethylene, dichloromethane, ethyl benzene, iron, lead, manganese, mercury, methyl ethyl ketone, methylene chloride, nickel, selenium, silver, toluene, trichloroethane, trichloroethylene, vinyl chloride, xylenes and/or zinc.

69. The waste streams Alamo Environmental transported to the USOR Site were generated by Alamo Petroleum, General Dynamics, General Dynamics Mfg. – Garland, Hexion Specialty Chemicals, Inc., Schlumberger Tech – Cameron and Schlumberger Technology Co.

70. The waste streams transported to the USOR Site by Alamo Environmental fall within the definition of “solid waste” under the TSWDA.

71. To date, Alamo Environmental has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

72. According to USOR Site Records, from at least July 2004 to October 2004, Defendant Allchem Services Inc. (“Allchem”), accepted for transport to the USOR Site, which was selected by Allchem, and/or by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment of waste owned or possessed by Allchem, at least 743,800 gallons of waste containing hazardous substances at the USOR Site.

73. On certain occasions, the waste streams Allchem generated, transported and/or arranged for disposal are described on USOR Site Records as “organic” and contained some or all of the following hazardous substances: acetone, cadmium, chromium, copper, dichloroethylene, dichloromethane, lead, manganese, methyl ethyl ketone, methylene chloride, nickel, toluene, trichloroethane, trichloroethylene, vinyl chloride and/or zinc.

74. On certain occasions, the waste streams Allchem generated, transported and/or arranged for disposal were RCRA hazardous waste described on USOR Site Records as “very dilute aqueous waste containing more than 99 percent water (fire and storm water),” and “waste caustic.”

75. On certain occasions, Allchem transported its own waste streams to the USOR Site.

76. On other occasions, Allchem arranged with transporters Bealine Service Co., Inc. and Garner to transport Allchem’s waste streams to the USOR Site.

77. The waste streams Allchem generated, transported to and/or arranged for disposal at the USOR Site fall within the definition of “solid waste” under the TSWDA.



78. On or about July 10, 2013, Allchem executed a Participation Agreement with the USOR Site PRP Group to become a member of the USOR Site PRP Group, but Allchem has subsequently breached the contract it entered into with the USOR Site PRP Group.

79. Since breaching its contract with the USOR Site PRP Group, Allchem refuses to cooperate with the USOR Site PRP Group and has not paid its equitable share of response costs incurred by the USOR Site PRP Group at the USOR Site.

80. According to USOR Site Records, from at least October 2006 to January 2009, Defendant Alliance Pastex, LLC (“Alliance Pastex”) accepted for transport to the USOR Site, which was selected by Alliance Pastex, and/or by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 100,530 gallons of waste containing hazardous substances owned or possessed by Alliance Pastex, at the USOR Site.

81. The waste streams generated by and/or transported by Alliance Pastex are described on USOR Site Records as “EPA & DOT Non Regulated Material,” “non DOT regulated material (aqueous oilfield chemicals),” and “non hazardous aqueous oilfield chemicals” and contained some or all of the following hazardous substances: acetone, benzene, cadmium, chromium, copper, dichlorobenzene, dichloroethylene, ethyl benzene, lead, manganese, methyl ethyl ketone, methylene chloride, nickel, perchloroethylene, toluene, trichloroethane, , trichloroethylene, vinyl chloride, xylenes and/or zinc.

82. On certain occasions, Alliance Pastex transported its own waste streams to the USOR Site.

83. On other occasions, Alliance Pastex also arranged with transporters ADL Pasadena, Defendant H2O Industrial Services, LLC and U.S. Oil Recovery to transport Alliance Pastex's waste streams to the USOR Site.

84. The waste streams generated by Alliance Pastex and/or transported to the USOR Site by Alliance Pastex fall within the definition of "solid waste" under the TSWDA.

85. By letter dated December 5, 2013, the USOR Site PRP Group notified Alliance Pastex of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Alliance Pastex the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

86. To date, Alliance Pastex has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

87. According to USOR Site Records, from at least February 2007 to June 2007, Defendant Alternative Waste Solutions, Inc. ("Alternative Waste") accepted at least 24,259 gallons of waste containing hazardous substances for transport to the USOR Site, which was selected by Alternative Waste.

88. The waste streams transported by Alternative Waste are described on USOR Site Records as "asphalt tank bottoms" and "tank bottom wash water," and contained some or all of the following hazardous substances: acetone, benzene, chromium, ethyl benzene, manganese, methyl ethyl ketone, nickel, toluene, trichloroethane, xylenes and/or zinc.

89. The waste streams Alternative Waste transported to the USOR Site were generated by Valero, St. James, LA and Valero Marketing.

90. The waste streams transported to the USOR Site by Alternative Waste fall within the definition of “solid waste” under the TSWDA.

91. By letters dated December 5, 2013 and December 19, 2014, the USOR Site PRP Group notified Alternative Waste of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Alternative Waste the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

92. To date, Alternative Waste has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

93. According to USOR Site Records, in at least March 2008, Defendant Apple Auto Repair & Body Shop (“Apple Auto”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 100 gallons of waste containing hazardous substances owned or possessed by Apple Auto, at the USOR Site.

94. The waste streams generated by Apple Auto are described on USOR Site Records as “non-haz storm water clean out [sic]” and contained some or all of the following hazardous substances: acetone, chromium, manganese, methyl ethyl ketone, nickel, toluene, trichloroethane, xylenes and/or zinc.

95. On certain occasions, Apple Auto arranged with transporter Lighthouse Environmental Services, Inc. to transport Apple Auto’s waste streams to the USOR Site.

96. The waste streams generated by Apple Auto fall within the definition of “solid waste” under the TSWDA.

97. By letters dated December 5, 2013 and November 21, 2014, the USOR Site PRP Group notified Apple Auto of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Apple Auto the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

98. To date, Apple Auto has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

99. According to USOR Site Records, in at least March 2006, Defendant Aunt Bea’s Restaurant (“Aunt Beas”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 500 gallons of waste containing hazardous substances owned or possessed by Aunt Beas, at the USOR Site.

100. The waste generated by Aunt Beas is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

101. On certain occasions, Aunt Beas arranged with transporters Consolidated Waste, LLC, doing business as Liquid Waste Solutions, and Public Sanitary Works, Inc. to transport Aunt Beas’ waste streams to the USOR Site.

102. The waste streams generated by Aunt Beas fall within the definition of “solid waste” under the TSWDA.

103. By letter dated August 14, 2015, the USOR Site PRP Group notified Aunt Beas of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Aunt Beas the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

104. To date, Aunt Beas has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

105. According to USOR Site Records, from at least December 2003 to at least July 2007, Defendant Axys Industrial Solutions, Inc. ("Axys") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 2,863,728 gallons of waste containing hazardous substances owned or possessed by Axys, at the USOR Site.

106. The waste streams transported by Axys were RCRA hazardous waste described on USOR Site Records as "RQ, Waste, Flammable liquid, N.O.S., 3, UN 1993, PGII (Isopropanol, Aramatic Naptha) [sic]."

107. The waste streams Axys arranged for disposal are also described on USOR Site Records as: "boiler water," "non regulated non hazardous plant waste water," "oily," "oily water" and "organic" and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, dichloroethylene, dichloromethane, ethyl benzene, iron, lead, manganese, mercury, methyl ethyl ketone, nickel, selenium, silver, toluene, trichloroethane, vinyl chloride, xylenes and/or zinc.

108. The waste streams Axys arranged for disposal at the USOR Site were generated by Champion Technologies, KMCO, Massey Industries Inc. and Safe Fuels.

109. The waste streams arranged for disposal at the USOR Site by Axys fall within the definition of “solid waste” under the TSWDA.

110. By letters dated June 4, 2014 and October 13, 2015, the USOR Site PRP Group notified Axys of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Axys the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

111. To date, Axys has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

112. According to USOR Site Records, from at least November 2005 to March 2006, Defendant B&B Corner Corporation doing business as Hong Kong Super Market (“B&B Corner”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 17,640 gallons of waste containing hazardous substances owned or possessed by B&B Corner, at the USOR Site.

113. The waste generated by B&B Corner is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

114. On certain occasions, B&B Corner arranged with transporters A-Affordable Vacuum, Public Sanitary Works, Inc. and Unique Sanitation to transport B&B Corner’s waste streams to the USOR Site.

115. The waste streams generated by B&B Corner fall within the definition of “solid waste” under the TSWDA.

116. By letter dated August 25, 2015, the USOR Site PRP Group notified B&B Corner of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered B&B Corner the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

117. To date, B&B Corner has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

118. According to USOR Site Records, in at least November 2005, Defendant BB Star East, Inc. doing business as East Star Chinese Buffet and Sushi Bar ("BB Star East") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 500 gallons of waste containing hazardous substances owned or possessed by BB Star East, at the USOR Site.

119. The waste generated by BB Star East is described on USOR Site Records as "grease" and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

120. On certain occasions, BB Star East arranged with transporter Defendant Southern Discount Vacuum Service to transport BB Star East's waste streams to the USOR Site.

121. The waste streams generated by BB Star East fall within the definition of "solid waste" under the TSWDA.

122. By letter dated August 25, 2015, the USOR Site PRP Group notified BB Star East of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened

release of hazardous substances at the USOR Site; and offered BB Star East the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

123. To date, BB Star East has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

124. According to USOR Site Records, from at least November 2005 to March 2006, Defendant B.W. Associates Inc. doing business as Palm Restaurant ("BW Associates") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 4,000 gallons of waste containing hazardous substances owned or possessed by BW Associates, at the USOR Site.

125. The waste generated by BW Associates is described on USOR Site Records as "grease" and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

126. On certain occasions, BW Associates arranged with transporter Consolidated Waste, LLC, doing business as Liquid Waste Solutions, to transport BW Associates' waste streams to the USOR Site.

127. The waste streams generated by BW Associates fall within the definition of "solid waste" under the TSWDA.

128. By letter dated September 4, 2015, the USOR Site PRP Group notified BW Associates of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered BW Associates the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.



129. To date, BW Associates has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

130. According to USOR Site Records, in at least November 2005, Defendant The Bake Shoppe & Café (“Bake Shoppe”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 840 gallons of waste containing hazardous substances owned or possessed by Bake Shoppe, at the USOR Site.

131. The waste generated by Bake Shoppe is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

132. On certain occasions, Bake Shoppe arranged with transporter Unique Sanitation to transport Bake Shoppe’s waste streams to the USOR Site.

133. The waste streams generated by Bake Shoppe fall within the definition of “solid waste” under the TSWDA.

134. By letter dated August 14, 2015, the USOR Site PRP Group notified Bake Shoppe of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Bake Shoppe the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

135. To date, Bake Shoppe has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

136. According to USOR Site Records, from at least April 2004 to July 2008, Defendant Bayou City Environmental Services, LP doing business as USA Waste Transportation

Services (“Bayou City Environmental”) accepted for transport to the USOR Site, which was selected by Bayou City Environmental, and/or by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment of waste owned or possessed by Bayou City Environmental, at least 5,801,744 gallons of waste containing hazardous substances at the USOR Site.

137. On certain occasions, the waste streams Bayou City Environmental transported and/or arranged for disposal were RCRA hazardous waste described on USOR Site Records as, including but not limited to, “waste flammable liquid, n.o.s., 3, UN1993, PG II (isopropanol [sic], aromatic naphtha), (D001),” “RQ, waste corrosive liquids, N.O.S. (sodium hydrosulfide, sodium sulfide) 8, UN1760 PG II,” “RQ, waste, flammable liquid N.O.S., 3, UN 1993, PG II (isopropanol, aromatic [sic] naphtha),” “corrosive liquid, nos, 8, UN1760, III,” “RQ, waste corrosive liquid, basic, inorganic n.o.s., 8, UN 3266, PGII” and “non regulated by DOT contains no. 49 CFR 172.101 materials or hazardous substances in reportable quantities (motor oil recycling).”

138. On certain occasions, the waste streams Bayou City Environmental transported and/or arranged for disposal are also described on USOR Site Records as, including but not limited to, “rainwater,” “caustic aqueous waste w/o cyanides (f-24 used soap),” “solid resin or polymerized organics (resin absorbed sand and sludge ejector grit),” “non regulated material per 40 & 49 CFR, none, none (cafeteria grease and oil),” “non hazardous waste oil & soil,” “metal scale, filing, or scrap (cleaning water),” “very dilute aqueous waste containing more than 99 percent water (fire and storm water,” “non hazardous groundwater,” “resin absorbed sand from duct cleanout and sludge,” “sump sludge and water,” “non hazardous #2 fuel oil/sludge,” “rinse water with low organics, oil mixed with water,” “railcar rinse water,” “non regulated, non

hazardous liquid (butadiene and water),” “non hazardous non RCRA regulated material (outdated hydraulic oil),” “non regulated material (ER spill cleanup),” “nonhaz plant wastewater,” “non regulated material (boiler/cooling tower water),” “nonregulated material (clow water),” “non regulated material (sump water),” “water from tank bottoms mixed with diesel,” “tank bottom sludge,” “process waste water,” “cutting oil and water,” “non RCRA rinse waste water/flammable liquid,” “non hazardous wastewater,” “non hazardous/non regulated liquids,” “other aqueous waste or wastewater (scrubber water),” “storm water,” “non hazardous spent caustic wash water” and “oily water” and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, ethyl benzene, lead, manganese, methyl ethyl ketone, mercury, nickel, selenium, silver, toluene, trichloroethane, xylenes and/or zinc.

139. On certain occasions, Bayou City Environmental transported its own waste streams to the USOR Site.

140. On other occasions, the waste streams Bayou City Environmental transported to and/or arranged for disposal at the USOR Site were generated by, including but not limited to, ADA Resources, Inc., All Chem Services, Inc., Aqua Solutions, Inc., BASF Corp., Borden Chemicals, Brazos Valley Energy LLC, Centerpoint Energy, CFF Recycling, Champion Technologies, Chevron Phillips, Contractors Technology Ltd., CVS Pharmacy, Delta Chemical, Delta Petroleum Company, Inc., Dynergy, Harcos Chemicals, Hexion Specialty Chemicals, Inc., Keith, Inc., Koch Hydrocarbons, Louis Dreyfus Energy Services, The Lubrizol Corporation, Magellan Midstream Partners, LP, MH Pyramid, Defendant Rescar Companies, Inc., Riviana, Semfuels, Smurfitt Stone, Texas Barge and Boat, Defendant Texas International Box Company

& Rentals, Inc., Texas Industrial Box Maintenance, Texas Oil and Gathering, Inc., Union Tank Car and Weatherford.

141. The waste streams Bayou City Environmental transported and/or arranged for disposal fall within the definition of “solid waste” under the TSWDA.

142. By letter dated July 10, 2014, the USOR Site PRP Group notified Bayou City Environmental of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Bayou City Environmental the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

143. To date, Bayou City Environmental has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

144. Alternatively, Defendant USA Environment, LP (“USA Environment”) is responsible for some or all of the waste streams attributable to Bayou City Environmental, as alleged in paragraph nos. 136-138 above.

145. To date, USA Environment has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

146. Alternatively, Defendant USA Industrial Services (“USA Industrial Services”) is responsible for some or all of the waste streams attributable to Bayou City Environmental, as alleged in paragraph nos. 136-138 above.

147. To date, USA Industrial Services has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

148. According to USOR Site Records, from at least August 2004 to March 2008, Defendant Beauty Elite Group, Inc. (“Beauty Elite”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 114,155 gallons of waste containing hazardous substances owned or possessed by Beauty Elite, at the USOR Site.

149. The waste streams transported by Beauty Elite are described on USOR Site Records as “organic,” “oily” “aqueous waste with low other toxics (aqueous waste water)” and “wastewater” and contained some or all of the following hazardous substances: acetone, benzene, cadmium, chromium, copper, dichloroethylene, dichloromethane, ethyl benzene, lead, manganese, methyl ethyl ketone, nickel, toluene, trichloroethane, vinyl chloride, xylenes and/or zinc.

150. On certain occasions, Beauty Elite arranged with transporters Defendant El Regio Vacuum Service, HET Environmental, Liquid Express, TWM, and U.S. Oil Recovery to transport Beauty Elite’s waste streams to the USOR Site.

151. The waste streams Beauty Elite arranged for disposal fall within the definition of “solid waste” under the TSWDA.

152. By letters dated December 5, 2013 and April 24, 2015, the USOR Site PRP Group notified Beauty Elite of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the

release or threatened release of hazardous substances at the USOR Site; and offered Beauty Elite the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

153. To date, Beauty Elite has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

154. According to USOR Site Records, October 2003 to November 2003, Defendant Betos Hydro and Sanitation, also known as Blackhawk Co. ("Betos Hydro"), accepted for transport to the USOR Site, which was selected by Betos Hydro, and/or by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment of waste owned or possessed by Betos Hydro, at least 35,725 gallons of waste containing hazardous substances at the USOR Site.

155. The waste streams Betos Hydro transported and/or arranged for disposal are described on USOR Site Records as "non regulated material" "non regulated waste water" and contained some or all of the following hazardous substances: acetone, arsenic, benzene, cadmium, chromium, copper, ethyl benzene, lead, manganese, mercury, methyl ethyl ketone, nickel, toluene, trichloroethane, xylenes and/or zinc.

156. On certain occasions, Betos Hydro transported its own waste streams to the USOR Site.

157. The waste streams Betos Hydro transported and or arranged for disposal fall within the definition of "solid waste" under the TSWDA.

158. By letters dated December 5, 2013 and February 27, 2015, the USOR Site PRP Group notified Betos Hydro of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered

Betos Hydro the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

159. To date, Betos Hydro has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

160. Defendant Blast Environmental & Industrial Services Inc. ("Blast Environmental") is the successor to, is also known as, and/or is formerly known as Blast Industrial Cleaning Services, Inc. ("Blast Industrial").

161. Upon information and belief, Blast Environmental has continued the uninterrupted business activities of Blast Industrial at the same location and retained certain employees and corporate personnel of Blast Industrial.

162. According to USOR Site Records, from at least September 2004 to October 2004, Blast Industrial by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 10,500 gallons of waste containing hazardous substances owned or possessed by Blast Industrial, at the USOR Site.

163. The waste streams generated by Bico Drilling are described on USOR Site Records as "non hazardous other inorganics liquids" and contained some or all of the following hazardous substances: acetone, benzene, chromium, ethyl benzene, manganese, methyl ethyl ketone, nickel, toluene, trichloroethane, xylenes and/or xylenes.

164. Blast Industrial arranged with transporter Defendant HET Environmental to transport Blast Industrial's waste streams to the USOR Site.

165. The waste streams generated by Blast Industrial fall within the definition of "solid waste" under the TSWDA.

166. By letters dated December 5, 2013 and December 19, 2014, the USOR Site PRP Group notified Blast Industrial and Blast Environmental, respectively, of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Blast Environmental the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

167. To date, Blast Environmental has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

168. According to USOR Site Records, in at least November 2005, Defendant Blue Marlin Laser Wash, LLC ("Blue Marlin"), by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 2,145 gallons of waste containing hazardous substances owned or possessed by Blue Marlin Construction, at the USOR Site.

169. Blue Marlin arranged with transporter Texas Waste Services to transport Blue Marlin's waste streams to the USOR Site.

170. The waste streams generated by Blue Marlin fall within the definition of "solid waste" under the TSWDA.

171. By letter dated September 18, 2015, the USOR Site PRP Group notified Blue Marlin of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Blue Marlin the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.



172. To date, Blue Marlin has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

173. According to USOR Site Records, from at least February 2004 to October 2004, Defendant Bredero Price Co. (“Bredero Price”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 373,300 gallons of waste containing hazardous substances owned or possessed by Bredero Price, at the USOR Site.

174. The waste streams generated by Bredero Price are described on USOR Site Records as “non hazardous, non regulated waste water FB #2 PH 3% [sic]” and “non hazardous, non regulated waste water PH 5% [illegible] FB #1 [sic]” and contained some or all of the following hazardous substances: acetone, benzene, chromium, copper, dichlorobenzene, dichloroethylene, lead, methyl ethyl ketone, methylene chloride, toluene, trichloroethane, trichloroethylene, xylenes and/or zinc.

175. On certain occasions, Bredero Price arranged with transporters Defendant Firebird Bulk Carriers, Inc., Gator Environmental & Rentals, Inc. and TEX Environmental Express to transport Bredero Price’s waste streams to the USOR Site.

176. The waste streams generated by Bredero Price fall within the definition of “solid waste” under the TSWDA.

177. By letters dated February 7, 2014 and December 15, 2015, the USOR Site PRP Group notified Bredero Price of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered

Bredero Price the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

178. To date, Bredero Price has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

179. According to USOR Site Records, from at least May 2004 to March 2006, Defendant CKG Services LLC ("CKG Services") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 50,213 gallons of waste containing hazardous substances owned or possessed by CKG Services at the USOR Site.

180. The waste streams CKG Services arranged for disposal were RCRA hazardous waste described on USOR Site Records as "Universal paint waste," "Potassium Hydroxide," "LIN 3501," "CESQG209H," "8,PG III (HLX-W230-77) (UN 2735)" "UN 1263, PG III (methanol)," and "Alzoxylated Amines Corrosive."

181. The waste streams CKG Services arranged for disposal are also described on USOR Site Records as "oily water and tar," "organic," "recyclable material," "Non Hazard, Non Regulated Material," "concrete cure," "oily," "oily drums," "oil contaminated soil," "recyclable oil," "scallitc concrete cure," and "used oil" and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, dichloroethylene, dichloromethane, ethyl benzene, iron, lead, manganese, mercury, methyl ethyl ketone, nickel, selenium, silver, toluene, trichloroethane, vinyl chloride, xylenes and/or zinc.

182. The waste streams CKG Services arranged for disposal at the USOR Site were generated by A.R.R.O.W., Apache Industrial Pointers, Arrow Recycling, BJ Services, Balfour Beatty, Borden, Inc., Computalog, Deer Park Independent School District, Express Lube, Gulf

Stream Marine, Inman Texas Company, Jiffy Lube, Jones Contractors, KD Oilfield Services, Manchester Terminal, Seatex Ltd., Sheldon Independent School District, Southern Technologies, TBC Brinadd, Tesco, Williams Bro. Construction and Wing Aviation.

183. The waste streams arranged for disposal at the USOR Site by CKG Services fall within the definition of “solid waste” under the TSWDA.

184. By letters dated December 5, 2013 and February 27, 2015, the USOR Site PRP Group notified CKG Services of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered CKG Services the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

185. To date, CKG Services has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

186. According to USOR Site Records, in at least May 2007, Defendant CLP Chemicals L.P. (“CLP Chemicals”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 10,000 gallons of waste containing hazardous substances owned or possessed by CLP Chemicals, at the USOR Site.

187. The waste streams generated by and/or transporter by CLP Chemicals are described on USOR Site Records as “vegetable oil and water” and contained some or all of the following hazardous substances: acetone, benzene, chromium, copper, dichlorobenzene, dichloroethylene, lead, methylene chloride, trichloroethane, trichloroethylene and/or zinc.

188. The waste streams generated by CLP Chemicals and/or transported to the USOR Site by CLP Chemicals fall within the definition of “solid waste” under the TSWDA.

189. By letters dated March 12, 2015 and September 18, 2015, the USOR Site PRP Group notified CLP Chemicals of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered CLP Chemicals the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

190. To date, CLP Chemicals has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

191. According to USOR Site Records, in at least February 2006, Defendant Calco Marketing, Inc. (“Calco Marketing”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 1,800 gallons of waste containing hazardous substances owned or possessed by Calco Marketing, at the USOR Site.

192. The waste generated by Calco Marketing is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

193. On certain occasions, Calco Marketing arranged with transporter Public Sanitary Works, Inc. to transport Calco Marketing’s waste streams to the USOR Site.

194. The waste streams generated by Calco Marketing fall within the definition of “solid waste” under the TSWDA.

195. By letter dated August 14, 2015, the USOR Site PRP Group notified Calco Marketing of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Calco Marketing the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

196. To date, Calco Marketing has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

197. According to USOR Site Records, in at least February 2006, Defendant Calderon Foods Inc. doing business as Pan Riko Bakery ("Calderon") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 1,200 gallons of waste containing hazardous substances owned or possessed by Calderon, at the USOR Site.

198. The waste generated by Calderon is described on USOR Site Records as "grease" and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

199. On certain occasions, Calderon arranged with transporter A-Affordable to transport Calderon's waste streams to the USOR Site.

200. The waste streams generated by Calderon fall within the definition of "solid waste" under the TSWDA.

201. By letter dated September 4, 2015, the USOR Site PRP Group notified Calderon of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened

release of hazardous substances at the USOR Site; and offered Calderon the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

202. To date, Calderon has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

203. According to USOR Site Records, in at least October 2005, Char Burger ("Char Burger") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 300 gallons of waste containing hazardous substances owned or possessed by Char Burger, at the USOR Site.

204. The waste generated by Char Burger is described on USOR Site Records as "grease" and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

205. On certain occasions, Char Burger arranged with transporter Defendant Southern Discount Vacuum Service to transport Char Burger's waste streams to the USOR Site.

206. The waste streams generated by Char Burger fall within the definition of "solid waste" under the TSWDA.

207. By letter dated August 14, 2015, the USOR Site PRP Group notified Char Burger of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Char Burger the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

208. To date, Char Burger has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

209. According to USOR Site Records, from at least October 2003 to November 2005, Defendant Chemical Transport, Inc. (“Chemical Transport”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 279,333 gallons of waste containing hazardous substances owned or possessed by Chemical Transport, at the USOR Site.

210. The waste streams generated by Chemical Transport are described on USOR Site Records as “non-hazardous waste water” and “organic” and contained some or all of the following hazardous substances: acetone, arsenic, benzene, cadmium, chromium, copper, dichloroethylene, dichloromethane, ethyl benzene, lead, manganese, mercury, methyl ethyl ketone, nickel, toluene, trichloroethane, vinyl chloride, xylenes and/or zinc.

211. Chemical Transport arranged with transporters Enterprise Transportation and CES Environmental to transport Chemical Transport’s waste streams to the USOR Site.

212. The waste streams generated by Chemical Transport fall within the definition of “solid waste” under the TSWDA.

213. By letter dated February 7, 2014, the USOR Site PRP Group notified Chemical Transport of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Chemical Transport the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

214. To date, Chemical Transport has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

215. According to USOR Site Records, from at least November 2005 to February 2006, Defendant Chilos Seafood Restaurant, Inc. (“Chilos Seafood Restaurant”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 3,000 gallons of waste containing hazardous substances owned or possessed by Chilos Seafood Restaurant, at the USOR Site.

216. The waste generated by Chilos Seafood Restaurant is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: acetone, arsenic, benzene, cadmium, chromium, copper, dichlorobenzene, dichloroethylene, lead, mercury, methylene chloride, nickel, selenium, trichloroethane, trichloroethylene and/or zinc.

217. On certain occasions, Chilos Seafood Restaurant arranged with transporter Consolidated Waste, LLC, doing business as Liquid Waste Solutions, to transport Chilos Seafood Restaurant’s waste streams to the USOR Site.

218. The waste streams generated by Chilos Seafood Restaurant fall within the definition of “solid waste” under the TSWDA.

219. By letter dated August 14, 2015, the USOR Site PRP Group notified Chilos Seafood Restaurant of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Chilos Seafood Restaurant the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

220. To date, Chilos Seafood Restaurant has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.



221. According to USOR Site Records, in at least October 2005, Defendant China Doll Restaurant (“China Doll Restaurant”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 840 gallons of waste containing hazardous substances owned or possessed by China Doll Restaurant, at the USOR Site.

222. The waste generated by China Doll Restaurant is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: acetone, arsenic, benzene, cadmium, chromium, copper, dichlorobenzene, dichloroethylene, lead, mercury, methylene chloride, molybdenum, nickel, selenium, trichloroethane, trichloroethylene and/or zinc.

223. On certain occasions, China Doll Restaurant arranged with transporter Unique Sanitation to transport China Doll Restaurant’s waste streams to the USOR Site.

224. The waste streams generated by China Doll Restaurant fall within the definition of “solid waste” under the TSWDA.

225. By letter dated August 14, 2015, the USOR Site PRP Group notified China Doll Restaurant of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered China Doll Restaurant the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

226. To date, China Doll Restaurant has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

227. Defendant City of Pasadena, Texas (“City of Pasadena”) owned the portion of the USOR Site located at 200 N. Richey Street from approximately 1944 until it was acquired by U.S. Oil Recovery in January 2009.

228. From approximately 1944 through February 1994, the City of Pasadena operated a wastewater treatment plant at the 200 N. Richey Street location it owned during that time period, which was known as the Vince Bayou Wastewater Treatment Plant (“Old Vince”).

229. From at least March 1, 1994 through at least April 7, 2004, Old Vince was still owned by the City of Pasadena, but was operated by Defendant Severn Trent Environmental Services Inc.). (“Severn Trent”) under an agreement with the City of Pasadena.

230. From April 2004 to January 2009, the City of Pasadena continued to own the 200 N. Richey Street portion of the USOR Site until it was sold to U.S. Oil Recovery.

231. From approximately 1944 through April 2004, Old Vince accepted municipal wastewater and commercial wastewater that was placed in the municipal wastewater system that fed into the 200 N. Richey Street wastewater treatment plant location.

232. The municipal wastewater and commercial wastewater treated at Old Vince from 1944 through 1994 contained hazardous substances as defined by CERCLA, such as various metals, polycyclic aromatic hydrocarbons, semi-volatiles, among others.

233. As part of the City of Pasadena’s NPDES/TDPES permitting renewal applications in 1991, 1998 and 2002, the City of Pasadena provided the Texas Commission on Environmental Quality (“TCEQ”) with analytical samples of effluents from Old Vince. These samples showed that such effluents contained the following hazardous substances as defined by CERCLA: aluminum; barium; chromium; chloroform; cyanide; 1,4-dichlorobenzene; lead; lindane (gamma-BHC); methyl ethyl ketone; nickel; phenols; selenium; silver; and zinc.

234. During the time period Severn Trent operated Old Vince, Severn Trent used the following chemicals, all of which contain hazardous substances as defined by CERCLA: 1) an average of six cylinder of cylinder of chlorine gas used every two to four weeks, with each cylinder weighing 2,000 pounds each; (2) an average of four cylinders of sulfur dioxide gas used every two to four weeks, which each cylinder weighing 2,000 pounds each; (3) an average of four, 55-gallon drums of a polymer known as Zetag 8818 used every two to four weeks; (4) an average of 5 ounces of potassium chloride; (5) an average of 100 grams of diethyl-p-phenylenediamine used every four weeks (approximately 1 gram used four times a day); (6) an average of 100 pounds of sodium hypochlorite used on an as needed basis; (7) an average of 2,000 gallons of sodium bi-sulfite used weekly; (8) oil-based paints; (9) paint thinners; (10) degreasers; and (11) household cleaning products.

235. By letter dated March 12, 2013, EPA notified the City of Pasadena of its potential liability at the USOR Site, described the removal actions being conducted by the USOR Site PRP Group at the time under Removal Action AOC, and further requested that the City of Pasadena negotiate in good faith with EPA to perform a Remedial Investigation and Feasibility Study (“RI/FS”) at the Site. EPA’s March 12, 2013 letter to the City of Pasadena also included questions to be answered by the City of Pasadena related to its involvement at the USOR Site.

236. By letter dated April 25, 2013, the USOR Site PRP Group mailed the City of Pasadena evidence of the City of Pasadena’s liability at the USOR Site.

237. The City of Pasadena provided a written response to EPA’s information requests by letter dated June 14, 2013. Severn Trent participated in the preparation of the City of Pasadena’s June 14, 2013 response. In its response, the City of Pasadena made all of the following admissions: (1) that it owned the 200 N. Richey portion of the USOR Site from at least

1944 through January 20, 2009; (2) that all of the chemicals listed in paragraph no. 524 above were stored and/or used at Old Vince from at least March 1994 through April 2004; (3) that several documented overflows of untreated or partially treated wastewater occurred at Old Vince between 1944 and April 2004, while it was owned by the City of Pasadena; and (4) that sludges generated from the wastewater treatment operations at Old Vince were placed in drying beds at the 200 N. Richey location of the USOR Site from 1944 through at least 1983.

238. The City of Pasadena's June 14, 2013 response to EPA's information requests was evasive and non-responsive in various areas. By letter dated December 26, 2013, the USOR Site PRP Group provided the City of Pasadena with various public records that were likewise available to the City of Pasadena, which demonstrate the insufficiency and/or inaccuracies of the City of Pasadena's June 14, 2013 response letter. Despite receiving these documents, the City of Pasadena never supplemented its response to EPA's information requests, which is required by CERCLA.

239. Instead, by letter dated February 20, 2014 from the City of Pasadena's attorney to EPA, the City of Pasadena continued to be evasive with EPA. In its February 20, 2014 letter, the City of Pasadena again admitted that the wastewater treated at Old Vince during the time period it was owned by the City of Pasadena and operated by either the City of Pasadena or Severn Trent contained hazardous substances as defined by CERCLA, such as copper, lead and zinc. The City of Pasadena further admitted that untreated or partially treated wastewater containing at least such hazardous substances was spilled on various occasions at the 200 N. Richey Street location during this time period.

240. By letter dated May 8, 2014, the USOR Site PRP Group notified the City of Pasadena of the existence of the release or threatened release of hazardous substances at the

USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered the City of Pasadena the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

241. In or about July 2014, the USOR Site PRP Group conducted sampling of the sludges left behind in Old Vince structures and identified numerous hazardous substances present in sludges generated during the City of Pasadena's ownership and/or the City of Pasadena's operation and/or Severn Trent's operation of Old Vince.

242. By letter dated March 12, 2015, EPA sent a request for information to Severn Trent, to which Severn Trent responded on April 14, 2015.

243. As a result of the significant rainfall events and flooding in 2015, there were at least two overflows from the former wastewater treatment units at Old Vince. As a result, the USOR Site PRP Group and EPA requested the City of Pasadena's assistance in showing the USOR Site PRP Group and EPA representatives which valves could be triggered or what other means could be used to close off historical Old Vince hydraulic connections to minimize the actual and threatened overflows from the 200 N. Richey Street location of the USOR Site as a result of the significant rain events and flooding. Both the USOR Site PRP Group and EPA representatives emphasized the urgency of such requests to the City of Pasadena.

244. Despite these urgencies, the City of Pasadena continues to be uncooperative with the USOR Site PRP Group and EPA in even providing historical information about historical Old Vince operations.

245. The City of Pasadena's lack of cooperation with the USOR Site PRP Group and EPA continue to cause an increase in incurred response costs at the USOR Site.

246. Moreover, because the City of Pasadena has and continues to be evasive and non-cooperative in providing information to EPA and the USOR Site PRP Group, the USOR Site PRP Group has been required to conduct additional investigations and sampling at the 200 N. Richey location of the USOR Site.

247. These additional investigations and sampling demonstrate that the City of Pasadena and Severn Trent left waste materials and sludges at the 200 N. Richey Street location of the USOR Site from the Old Vince operations, which contain the following hazardous substances as defined by CERCLA: aluminum, arsenic, barium, cadmium, chromium, copper, lead, nickel, selenium, silver, and zinc.

248. Also, according to USOR Site Records, in at least September 2004, the City of Pasadena by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 450 gallons of waste containing hazardous substances owned or possessed by the City of Pasadena, at the USOR Site.

249. The waste materials and sludges involved with the Old Vince operations and generated by the City of Pasadena fall within the definition of “solid waste” under the TSWDA.

250. To date, the City of Pasadena has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

251. To date, Severn Trent has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

252. According to USOR Site Records, in at least August 2006, Defendant Co-Trans, Inc. doing business as CTI (“CTI”) accepted at least 5,000 gallons of waste containing hazardous substances for transport to the USOR Site, which was selected by CTI.

253. The waste streams transported by CTI were RCRA hazardous waste described on USOR Site Records as “hazardous waste liquid, nos (benzene), UN 3082, PG II.”

254. The waste streams CTI transported to the USOR Site were generated by TT Barge Services.

255. The waste streams transported to the USOR Site by CTI fall within the definition of “solid waste” under the TSWDA.

256. By letter dated September 18, 2015, the USOR Site PRP Group notified CTI of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered CTI the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

257. To date, CTI has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

258. According to USOR Site Records, from at least October 2002 to March 2009, Defendant Coal City Cob Co., Inc. (“Coal City Cob”) accepted at least 2,510,906 gallons of waste containing hazardous substances for transport to the USOR Site, which was selected by Coal City Cob.

259. The waste streams transported by Coal City Cob are described on USOR Site Records as “asphalt tank bottoms – washwater non-hazardous,” “class II non hazardous waste water,” “dark water non-regulated material,” “EPA & DOT non regulated material,” “non DOT regulated material non hazardous water flush,” “non DOT regulated material,” “non DOT regulated material (aqueous oilfield chemicals),” “non DOT regulated material (drilling mud),” “non DOT regulated material (ethylene glycol and water),” “non DOT regulated material (oily

water),” “non DOT regulated material (used oil),” “non DOT regulated material (water based line flush),” “non DOT regulated material (water with surfactant),” “non DOT regulated material (wastewater),” “non DOT regulated material (zinc wastewater),” “non-hazardous non-regulated liquid (water with butadiene),” “non-hazardous non-RCRA plant wastewater,” “non-hazardous non-RCRA wastewater (blowdown wastewater),” “non-hazardous non-RCRA wastewater (distillation blowdown),” “non-hazardous (reactor washwater),” “non-hazardous (sulfurized isobutylene),” “non-RCRA non-hazardous wastewater (distillation blowdown),” “oil,” “oily water,” “organic,” “other inorganic liquid (reactor wash water),” “tank bottoms washwaters,” “used oil and water mixture (not USDOT hazardous material)” and “used oil for recycle (not DOT regulated)” and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, cobalt, copper, dichlorobenzene, dichloroethylene, ethyl benzene, iron, lead, manganese, mercury, methyl ethyl ketone, methylene chloride, nickel, perchloroethylene, selenium, silver, toluene, trichloroethane, trichloroethylene, vinyl chloride, xylenes and/or zinc.

260. The waste streams transported by Coal City Cob were also RCRA hazardous waste described on USOR Site Records as “corrosive liquid, n.o.s. (acid alum), 8, UN 1760, PG III,” “hazardous waste liquid N.O.S. (benzene) 9 NA 3000 PG III,” “hazardous waste liquid N.O.S. (benzene) 9 NA 3082 III,” “oily waste water (not USDOT or USEPA regulated),” “RQ hazardous waste liquid, N.O.S. (benzene), 9 NA 3082 PG III,” “RQ waste corrosive liquid, acidic, inorganic n.o.s. (contains magnesium chloride), 8, UN 3264, PG II,” “RQ waste flammable liquid, corrosive, NOS (fuel oil, sodium hydroxide), 3, UN 2924, PG III,” “RQ, waste flammable liquids, n.o.s. (cleaning solvents) 3, UN 1993, PG III (D001),” “RQ, waste flammable liquid, n.o.s. (xylene, IPA) 3, UN 1993, PG III (D001),” “sulfuric acid 8 UN 1830 II,” “waste



corrosive liquid, acidic, inorganic, NOS (hydrofluoric [sic] acid) 6 UN 32641,” “waste corrosive liquid, basic, inorganic N.O.S., 8, UN 3266, PG III,” “waste corrosive liquid, flammable, N.O.S., contains aluminum chloride and heptane, 8, 3, UN 2920, PG II,” “waste corrosive liquid, N.O.S., 8 UN 1760, PG III,” “waste flammable liquid, NOS, 3, UN 1993, PG II (isopropanol aromatic naptha),” “waste flammable liquid, N.O.S., 3/UN 1993/PG II (wastewater),” “waste hazardous liquid, corrosive, reactive, flammable, (contains [sic] disulfides) n.o.s., 9, UN 3082 PG III,” “waste hazardous liquids, N.O.S., 9, NA 3082, PG III (wastewater),” “waste potassium permanagante [sic] 5.1, UN 1490, PG II,” “waste sodium hypochlorite, 8, UN 1791, PG II” and “waste spent sulfuric acid, 8, UN 1832, II, RQ (1000#) (spent sulfuric acid w/water).”

261. The waste streams Coal City Cob transported to the USOR Site were generated by AKZO Nobel, Alcoa Inc., Amrep, Inc., Ashland Distribution Co., Blentech Corp., Champion Technologies, City of Houston, Coca Cola Enterprises, Continental Airlines, Inc., Crown Cork & Seal, Dow Haltermann Custom Processing, Dragon Products, Huish Dexagns [sic], Innovene Polyethylene, N.A., Johann Haltermann, Ltd., KMCO, Inc., Koppel Steel Corp., Magellan Terminals Holdings, L.P., Defendant Master Halco, Inc., Metton America, Inc., Nalco Energy, P Chem Incorporated, Safety Kleen Systems, Inc., Schlumberger Technology Corp., Southwest Shipyard L.P., T.T. Barge Service, Valero Marketing & Supply – Houston Terminal, Valero Terminaling & Distribution Co. and VLS.

262. The waste streams transported to the USOR Site by Coal City Cob fall within the definition of “solid waste” under the TSWDA.

263. By letter dated April 24, 2015, the USOR Site PRP Group notified Coal City Cob of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened

release of hazardous substances at the USOR Site; and offered Coal City Cob the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

264. To date, Coal City Cob has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

265. According to USOR Site Records, in at least March 2006, Defendant Colonial House of Sandwiches ("Colonial House") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 200 gallons of waste containing hazardous substances owned or possessed by Colonial House, at the USOR Site.

266. The waste generated by Colonial House is described on USOR Site Records as "grease" and contained some or all of the following hazardous substances: acetone, arsenic, benzene, cadmium, chromium, copper, dichlorobenzene, dichloroethylene, lead, methylene chloride, molybdenum, nickel, selenium, trichloroethane, trichloroethylene and/or zinc.

267. On certain occasions, Colonial House arranged with transporter Earth America to transport Colonial House's waste streams to the USOR Site.

268. The waste streams generated by Colonial House fall within the definition of "solid waste" under the TSWDA.

269. By letter dated August 14, 2015, the USOR Site PRP Group notified Colonial House of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Colonial House the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

270. To date, Colonial House has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

271. According to USOR Site Records, in at least November 2005, Defendant Compleat Cuisine, Inc. (“Compleat Cuisine”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 1,000 gallons of waste containing hazardous substances owned or possessed by Compleat Cuisine, at the USOR Site.

272. The waste generated by Compleat Cuisine is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: acetone, arsenic, benzene, cadmium, chromium, copper, dichlorobenzene, dichloroethylene, lead, mercury, methylene chloride, molybdenum, nickel, selenium, trichloroethane, trichloroethylene and/or zinc.

273. On certain occasions, Compleat Cuisine arranged with transporter Consolidated Waste, LLC, doing business as Liquid Waste Solutions, to transport Compleat Cuisine’s waste streams to the USOR Site.

274. The waste streams generated by Compleat Cuisine fall within the definition of “solid waste” under the TSWDA.

275. By letter dated August 14, 2015, the USOR Site PRP Group notified Compleat Cuisine of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Compleat Cuisine the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

276. To date, Compleat Cuisine has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

277. According to USOR Site Records, from at least March 2006 to January 2009, Defendant Curran International, Inc. (“Curran”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 33,300 gallons of waste containing hazardous substances owned or possessed by Curran, at the USOR Site.

278. The waste streams generated by Curran are described on USOR Site Records as “neutralized washwater” and “organic” and contained some or all of the following hazardous substances: cadmium, chromium, copper, dichloroethylene, dichloromethane, lead, manganese, methyl ethyl ketone, nickel, perchloroethylene, toluene, trichloroethane, trichloroethylene vinyl chloride, xylenes and/or zinc.

279. Curran arranged with transporter Evergreen to transport Curran’s waste streams to the USOR Site.

280. The waste streams generated by Curran fall within the definition of “solid waste” under the TSWDA.

281. By letters dated December 5, 2013 and February 27, 2015, the USOR Site PRP Group notified Curran of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Curran the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

282. To date, Curran has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

283. According to USOR Site Records, from at least October to December 2003, Defendant D-Hawk Grease Trap Co. (“D-Hawk Grease”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 106,593 gallons of waste containing hazardous substances owned or possessed by D-Hawk Grease, at the USOR Site.

284. The waste streams arranged for disposal at the USOR Site by D-Hawk Grease fall within the definition of “solid waste” under the TSWDA.

285. By letter dated February 7, 2014, the USOR Site PRP Group notified D-Hawk Grease of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered D-Hawk Grease the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

286. To date, D-Hawk Grease has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

287. According to USOR Site Records, in at least March 2006, Defendant DSMM, Inc. doing business as Pop Supermarket (“DSMM”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 800 gallons of waste containing hazardous substances owned or possessed by DSMM, at the USOR Site.

288. The waste generated by DSMM is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: acetone, arsenic, benzene,

cadmium, chromium, copper, dichlorobenzene, dichloroethylene, lead, methylene chloride, molybdenum, nickel, selenium, trichloroethane, trichloroethylene and/or zinc.

289. On certain occasions, DSMM arranged with transporter A-Affordable Vacuum Services, Inc. to transport DSMM's waste streams to the USOR Site.

290. The waste streams generated by DSMM fall within the definition of "solid waste" under the TSWDA.

291. By letter dated September 18, 2015, the USOR Site PRP Group notified DSMM of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered DSMM the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

292. To date, DSMM has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

293. According to USOR Site Records, from at least March 2006 to August 2007, Defendant Dan-Loc Bolt & Gasket Co. ("Dan-Loc") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 71,420 gallons of waste containing hazardous substances owned or possessed by Dan-Loc, at the USOR Site.

294. The waste streams generated by Dan-Loc are described on USOR Site Records as "non-hazardous, non DOT regulated (class 1 oily water)" and "non-hazardous oily sludge" and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, dichlorobenzene, dichloroethylene, ethyl benzene, iron, lead,

manganese, mercury, methyl ethyl ketone, methylene chloride, nickel, perchloroethylene, selenium, silver, toluene, trichloroethane, trichloroethylene, xylenes and/or zinc.

295. Dan-Loc arranged with transporters City Waste, L.P., Defendant Specialized Waste Systems, Inc. and US Oil Recovery to transport Dan-Loc's waste streams to the USOR Site.

296. The waste streams generated by Dan-Loc and/or transported to the USOR Site by Dan-Loc fall within the definition of "solid waste" under the TSWDA.

297. By letters dated December 5, 2013 and February 27, 2015, the USOR Site PRP Group notified Dan-Loc of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Dan-Loc the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

298. To date, Dan-Loc has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

299. Defendant Dana Transport, Inc. ("Dana") is the successor to Suttles Truck Leasing, Inc. ("Suttles").

300. In or about 2000, Dana acquired Suttles and thereafter integrated Suttles into Dana.

301. According to USOR Site Records, from at least September 2005 to January 2006, Suttles accepted at least 157,956 gallons of waste containing hazardous substances for transport to the USOR Site.

302. The waste streams transported by Suttles are described on USOR Site Records as “non hazardous non regulated washwater” and contained some or all of the following hazardous substances: acetone, benzene, chromium, ethyl benzene, manganese, methyl ethyl ketone, nickel, toluene, trichloroethane, xylenes and/or zinc.

303. The waste streams Suttles transported to the USOR Site were generated by Hexion Specialty Chemical.

304. The waste streams transported to the USOR Site by Suttles fall within the definition of “solid waste” under the TSWDA.

305. To date, Dana has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

306. According to USOR Site Records, from at least October 2007 to August 2009, Defendant Delta Specialty Coatings LLC (“Delta Specialty Coatings”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 23,880 gallons of waste containing hazardous substances owned or possessed by Delta Specialty Coatings, at the USOR Site.

307. The waste streams generated by Delta Specialty Coatings are described on USOR Site Records as “non-RCRA, non-hazardous chrome rinsewater” and “non-RCRA, non-hazardous alkline [sic] rinsewater” and contained some or all of the following hazardous substances: chromium, copper, lead, manganese, methyl ethyl ketone, nickel, perchloroethylene, toluene, trichloroethane, trichloroethylene and/or xylenes.

308. Delta Specialty Coatings arranged with transporters Intra-Services Inc., M.T.I. Environmental, Defendant Specialized Maintenance Services, Inc. and Defendant Specialized Waste Systems, Inc. to transport Delta Specialty Coatings’s waste streams to the USOR Site.



309. The waste streams generated by Delta Specialty Coatings fall within the definition of “solid waste” under the TSWDA.

310. By letters dated December 5, 2013 and December 19, 2014, the USOR Site PRP Group notified Delta Specialty Coatings of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Delta Specialty Coatings the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

311. To date, Delta Specialty Coatings has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

312. According to USOR Site Records, in at least November 2005, Defendant Don Pico’s Mexican Restaurant (“Don Pico’s Restaurant”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 800 gallons of waste containing hazardous substances owned or possessed by Don Pico’s Restaurant, at the USOR Site.

313. The waste generated by Don Pico’s Restaurant is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: acetone, arsenic, benzene, cadmium, chromium, copper, dichlorobenzene, dichloroethylene, lead, mercury, methylene chloride, molybdenum, nickel, selenium, trichloroethane, trichloroethylene and/or zinc.

314. On certain occasions, Don Pico’s Restaurant arranged with transporter Unique Sanitation to transport Don Pico’s Restaurant’s waste streams to the USOR Site.

315. The waste streams generated by Don Pico's Restaurant fall within the definition of "solid waste" under the TSWDA.

316. By letter dated September 4, 2015, the USOR Site PRP Group notified Don Pico's Restaurant of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Don Pico's Restaurant the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

317. To date, Don Pico's Restaurant has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

318. According to USOR Site Records, in at least October 2005, Defendant Donut Time ("Donut Time") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 700 gallons of waste containing hazardous substances owned or possessed by Donut Time, at the USOR Site.

319. The waste generated by Donut Time is described on USOR Site Records as "grease" and contained some or all of the following hazardous substances: acetone, arsenic, benzene, cadmium, chromium, copper, dichlorobenzene, dichloroethylene, lead, mercury, methylene chloride, molybdenum, nickel, selenium, trichloroethane, trichloroethylene and/or zinc.

320. On certain occasions, Donut Time arranged with transporter Defendant Southern Discount Vacuum Service to transport Donut Time's waste streams to the USOR Site.

321. The waste streams generated by Donut Time fall within the definition of “solid waste” under the TSWDA.

322. By letter dated August 14, 2015, the USOR Site PRP Group notified Donut Time of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Donut Time the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

323. To date, Donut Time has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

324. According to USOR Site Records, from at least February 2006 to March 2006, Defendant Droubi’s Bakery & Deli, Inc. (“Droubi’s Bakery”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 60 gallons of waste containing hazardous substances owned or possessed by Droubi’s Bakery, at the USOR Site.

325. The waste generated by Droubi’s Bakery is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: acetone, arsenic, benzene, cadmium, chromium, copper, dichlorobenzene, dichloroethylene, lead, mercury, methylene chloride, molybdenum, nickel, selenium, trichloroethane, trichloroethylene and/or zinc.

326. On certain occasions, Droubi’s Bakery arranged with transporter Public Sanitary Works, Inc. to transport Droubi’s Bakery’s waste streams to the USOR Site.

327. The waste streams generated by Droubi’s Bakery fall within the definition of “solid waste” under the TSWDA.

328. By letter dated August 25, 2015, the USOR Site PRP Group notified Droubi's Bakery of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Droubi's Bakery the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

329. To date, Droubi's Bakery has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

330. According to USOR Site Records, in at least May 2005, Defendant Dual Trucking Inc. ("Dual Trucking") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 110 gallons of waste containing hazardous substances owned or possessed by Dual Trucking, at the USOR Site.

331. The waste streams generated by Dual Trucking are described on USOR Site Records as "waste diesel mix w/ sealant" and contained some or all of the following hazardous substances: acetone, benzene, chromium, ethyl benzene, manganese, methyl ethyl ketone, nickel, toluene, trichloroethane, xylenes and/or zinc.

332. On a certain occasion, Dual Trucking arranged with transporter Milstead Environmental to transport Dual Trucking's waste streams to the USOR Site.

333. The waste streams generated by Dual Trucking fall within the definition of "solid waste" under the TSWDA.

334. By letters dated December 5, 2013 and November 21, 2014, the USOR Site PRP Group notified Dual Trucking of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to

eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Dual Trucking the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

335. To date, Dual Trucking has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

336. According to USOR Site Records, from at least September 2007 to November 2008, Defendant E.S.R. Electronics, Inc. ("E.S.R. Electronics") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 4,216 gallons of waste containing hazardous substances owned or possessed by E.S.R. Electronics, at the USOR Site.

337. The waste streams generated by E.S.R. Electronics were RCRA hazardous waste described on USOR Site Records as "corrosive liquid acidic, inorganic n.o.s. 8 UN3264 PG III."

338. On certain occasions, E.S.R. Electronics arranged with transporters Lighthouse Environmental Services, Inc. and Texas Waste Carriers to transport E.S.R. Electronics' waste streams to the USOR Site.

339. The waste streams generated by E.S.R. Electronics fall within the definition of "solid waste" under the TSWDA.

340. By letters dated December 5, 2013 and December 12, 2014, the USOR Site PRP Group notified E.S.R. Electronics of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered E.S.R. Electronics the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

341. To date, E.S.R. Electronics has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

342. According to USOR Site Records, Defendant Eagle Construction and Environmental Services, LLC (“Eagle Construction”), doing business as SWS Environmental Services (“SWS”), accepted at least 266,824 gallons of waste containing hazardous substances for transport to the USOR Site, which was selected by Eagle Construction.

343. Additionally, according to USOR Site Records, from at least September 2003 to November 2008, Eagle Construction by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment at least 5,167,094 gallons of waste containing hazardous substances for transport to the USOR Site.

344. The waste Eagle Construction generated, transported and/or arranged for disposal is described on USOR Site Records as including but not limited to “acid alum,” “turbine compressor water,” “oily water” and “rinse water” and contained some or all of the following hazardous substances including but not limited to: acetone, arsenic, barium, benzene, cadmium, chromium, copper, ethyl benzene, lead, manganese, mercury, methanol, methyl ethyl ketone, methylene chloride, nickel, toluene, trichloroethane, vinyl chloride, xylenes and/or zinc.

345. On certain occasions, Eagle Construction transported its own waste streams to the USOR Site.

346. On other occasions Eagle Construction transported and/or arranged for disposal of waste streams generated by either Eagle Construction and/or including but not limited to Rescar, Sears Carpet & Upholstery, SKE Support Services, Pepper Lawson, Polyfoam Products, Kellogs Brown & Root and Calpine.

347. The waste streams Eagle Construction generated, transported to and/or arranged for disposal at the USOR Site fall within the definition of “solid waste” under the TSWDA.

348. By letters dated June 4, 2014 and April 24, 2015, the USOR Site PRP Group notified Eagle Construction of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Eagle Construction the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

349. To date, Eagle Construction has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

350. Alternatively, Defendant Eagle Construction and Environmental Services, Inc. (“Eagle Environmental Services”) is responsible for the waste streams attributable to Eagle Construction as alleged in paragraph nos. 342-344 above.

351. To date, Eagle Environmental Services has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

352. Alternatively, Defendant Eagle Construction and Environmental Services, L.P. (“Eagle L.P.”) is responsible for the waste streams attributable to Eagle Construction as alleged in paragraph nos. 342-344 above.

353. To date, Eagle L.P. has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

354. Alternatively, Defendant SWS Environmental, LLC (“SWS Environmental”) is responsible for the waste streams attributable to Eagle Construction as alleged in paragraph nos. 342-344 above.

355. To date, SWS Environmental has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

356. According to USOR Site Records, in at least June 2005, Defendant Economic Environmental Services, Inc. (“Economic Environmental Services”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 800 gallons of waste containing hazardous substances owned or possessed by Economic Environmental Services, at the USOR Site.

357. The waste streams Economic Environmental Services generated, transported to and/or arranged for disposal at the USOR Site fall within the definition of “solid waste” under the TSWDA.

358. By letters dated December 5, 2013 and November 21, 2014, the USOR Site PRP Group notified Economic Environmental Services of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Economic Environmental Services the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

359. To date, Economic Environmental Services has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.



360. According to USOR Site Records, in at least October 2005, Defendant El Imperial Mexican Restaurants, Inc. doing business as El Imperial Mexican Restaurant (“El Imperial”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 500 gallons of waste containing hazardous substances owned or possessed by El Imperial, at the USOR Site.

361. The waste generated by El Imperial is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: acetone, arsenic, benzene, cadmium, chromium, copper, dichlorobenzene, dichloroethylene, lead, mercury, methylene chloride, molybdenum, nickel, selenium, trichloroethane, trichloroethylene and/or zinc.

362. On certain occasions, El Imperial arranged with transporter Defendant Southern Discount Vacuum Service to transport El Imperial’s waste streams to the USOR Site.

363. The waste streams generated by El Imperial fall within the definition of “solid waste” under the TSWDA.

364. By letter dated August 25, 2015, the USOR Site PRP Group notified El Imperial of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered El Imperial the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

365. To date, El Imperial has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

366. According to USOR Site Records, in at least February 2006, Defendant El Papaturro (“El Papaturro”) by contract, agreement, or otherwise arranged for disposal or

treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 900 gallons of waste containing hazardous substances owned or possessed by El Papaturro, at the USOR Site.

367. The waste generated by El Papaturro is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: acetone, arsenic, benzene, cadmium, chromium, copper, dichlorobenzene, dichloroethylene, lead, mercury, methylene chloride, molybdenum, nickel, selenium, trichloroethane, trichloroethylene and/or zinc.

368. On certain occasions, El Papaturro arranged with transporter Public Sanitary Works, Inc. to transport El Papaturro’s waste streams to the USOR Site.

369. The waste streams generated by El Papaturro fall within the definition of “solid waste” under the TSWDA.

370. By letter dated August 25, 2015, the USOR Site PRP Group notified El Papaturro of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered El Papaturro the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

371. To date, El Papaturro has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

372. According to USOR Site Records, in at least March 2006, Defendant El Taquito Meat Market Inc. (“El Taquito”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 50

gallons of waste containing hazardous substances owned or possessed by El Taquito, at the USOR Site.

373. The waste generated by El Taquito is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: acetone, arsenic, benzene, cadmium, chromium, copper, dichlorobenzene, dichloroethylene, lead, mercury, methylene chloride, molybdenum, nickel, selenium, trichloroethane, trichloroethylene and/or zinc.

374. On certain occasions, El Taquito arranged with transporter Public Sanitary Works, Inc. to transport El Taquito’s waste streams to the USOR Site.

375. The waste streams generated by El Taquito fall within the definition of “solid waste” under the TSWDA.

376. By letter dated October 30, 2015, the USOR Site PRP Group notified El Taquito of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered El Taquito the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

377. To date, El Taquito has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

378. According to USOR Site Records, from at least January 2004 to September 2006, Defendant Enviro-Vac, Ltd. (“Enviro-Vac”) accepted at least 12,561,931 gallons of waste containing hazardous substances for transport to the USOR Site, which was selected by Enviro-Vac.

379. The waste streams transported by Enviro-Vac is described on USOR Site Records as, including but not limited to, “Very dilute Aqueous Waste containing more than 99% water,” “Caustic aqueous waste without cyanides (blow down water),” “organic,” “condensate,” “leachate (Non-Hazardous),” “other aqueous waste with low dissolved solids (waste water),” “Water and Aer-o-lite, (fire fighting foam and water),” and “Non-Hazardous Non-RCRA (Bilge Water)” and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, beryllium, cadmium, chromium, copper, dichloroethylene, dichloromethane, ethyl benzene, iron, lead, manganese, mercury, methyl ethyl ketone, nickel, selenium, silver, tin, toluene, trichloroethane, vinyl chloride, xylenes and/or zinc.

380. The waste streams Enviro-Vac transported to the USOR Site were generated by, including but not limited to, Western Seafood Water Reclamation, Western Waste of Texas LLC, Farouk Systems, Inc., Louisiana Pacific Corporation, Continental Airlines and LA Pacific.

381. The waste streams transported to the USOR Site by Enviro-Vac fall within the definition of “solid waste” under the TSWDA.

382. By letters dated June 4, 2014 and May 1, 2015, the USOR Site PRP Group notified Enviro-Vac of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Enviro-Vac the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

383. To date, Enviro-Vac has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

384. According to USOR Site Records, from at least October 2003 to October 2008 Defendant Evergreen Environmental Services, LLC, doing business as Evergreen Industrial

Services (“Evergreen Environmental”) accepted for transport to the USOR Site, which was selected by Evergreen Environmental, and/or by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment of waste owned or possessed by Evergreen Environmental, at least 827,323 gallons of waste containing hazardous substances at the USOR Site.

385. The waste streams Evergreen Environmental generated, transported and/or arranged for disposal are described on USOR Site Records as including but not limited to “Non Regulated Waste Water” and contained some or all of the following hazardous substances including but not limited to: acetone, arsenic, benzene, cadmium, chromium, copper, ethyl benzene, lead, manganese, mercury, methyl ethyl ketone, nickel, toluene, trichloroethane, xylenes and/or zinc.

386. On certain occasions, Evergreen Environmental transported and/or arranged for disposal of waste streams generated by either Evergreen Environmental and/or Valero.

387. The waste streams Evergreen Environmental generated, transported to and/or arranged for disposal at the USOR Site fall within the definition of “solid waste” under the TSWDA.

388. By letter dated June 4, 2014, the USOR Site PRP Group notified Evergreen Environmental of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Evergreen Environmental the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

389. To date, Evergreen Environmental has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

390. Alternatively, Defendant Environmental Disposal Solutions, Inc. (“Environmental Disposal”) is formerly known as and/or does business as Evergreen Disposal Solutions Inc. (“Evergreen Disposal”) and/or Evergreen Vacuum (“Evergreen Vacuum”), and is responsible for the waste streams attributable to Evergreen Environmental, as alleged in paragraph nos. 384-385 above.

391. To date, Environmental Disposal has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

392. Alternatively, Defendant Evergreen Vacuum Service, LLC (“Evergreen Vacuum”) is responsible for the waste streams attributable to Evergreen Environmental, as alleged in paragraph nos. 384-385 above.

393. To date, Evergreen Vacuum has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

394. Defendant Excel Industrial Group, LLC (“Excel Industrial”) is the successor to Emergent Industrial Solutions, Inc. (“Emergent Industrial, Inc.”) and Gulf Coast Waste Management, Inc. (“Gulf Coast Waste”).

395. In or about 2006, Gulf Coast Waste changed its name to Emergent Industrial, Inc.

396. In or about 2008, Emergent Industrial, Inc. was converted to Emergent Industrial Solutions, LP (“Emergent Industrial, LP”).

397. Upon information and belief, Excel Industrial has continued the uninterrupted business activities of Emergent Industrial, LP at the same location, retained employees and

corporate personnel of Emergent Industrial, LP and retained customers of Emergent Industrial, LP.

398. According to USOR Site Records, from at least May 2006 to May 2007, Emergent Industrial, Inc. by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 1,249,251 gallons of waste containing hazardous substances owned or possessed by Emergent Industrial, at the USOR Site.

399. The waste Emergent Industrial, Inc. arranged for disposal is described on USOR Site Records as including but not limited to “condensate wastewater contaminated with benzene,” “non hazardous, non-DOT regulated spent triethylene glycol,” “non hazardous, non regulated by DOT (class 1, waste water),” “non hazardous, non regulated by DOT,” “non-hazardous, no DOT regulated (butyl cellosolve water),” “oily waste water,” “rinse water with polyglycerine,” “scrubber waste water,” “wash water from e/tank, with butyl celloslove,” “waste water,” “waste water (hazardous)” and “oily wastewater from drum wash operation” and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, ethyl benzene, iron, lead, manganese, mercury, methyl ethyl ketone, nickel, selenium, silver, toluene, trichloroethane, xylenes and/or zinc.

400. The waste streams generated by and/or transported by Emergent Industrial, Inc. were also RCRA hazardous waste described on USOR Site Records as “combustible liquid, N.O.S. (contains diesel), comb. liquid, PG III,” “RQ waste corrosive liquid, N.O.S. (sodium hydroxide), 8, UN1760, PG I,” “RQ, waste corrosive liquid, N.O.S., (acrylic acid) 8, UN1760, PGIII (D002),” “waste flammable liquids, N.O.S. 3/UN1993/PGII (wastewater)” and “waste hazardous liquids N.O.S., 9, NA3082, PIII (wastewater).”

401. The waste streams Emergent Industrial, Inc. arranged for disposal at the USOR Site were generated by and/or transported by including but not limited to American Acryl, Dan Loc, Delta Tubular, Grant Prideco, Metton America, P Chem, Stewart & Stevenson, Texas Arai, Tri-Star Protector Services Co., Tube Alloy, and West Texas Drum.

402. The waste streams Emergent Industrial, Inc. arranged for disposal at the USOR Site fall within the definition of “solid waste” under the TSWDA.

403. By letter dated July 10, 2014, the USOR Site PRP Group notified Emergent Industrial, Inc. of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Emergent Industrial, Inc. the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

404. According to USOR Site Records, from at least August 2003 to May 2006, Gulf Coast Waste accepted for transport to the USOR Site, which was selected by Gulf Coast Waste, and/or by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment of waste owned or possessed by Gulf Coast Waste, at least 1,066,076 gallons of waste containing hazardous substances at the USOR Site.

405. The waste Gulf Coast Waste transported and/or arranged for disposal is RCRA hazardous waste described on USOR Site Records as “condensate water contaminated with benzene.”

406. The waste Gulf Coast Waste transported and/or arranged for disposal is also described on USOR Site Records as, including but not limited to, “non hazardous, non regulated by DOT (class 1, waste water),” “oily waste water” and “oily wastewater” and contained some or



all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, ethyl benzene, iron, lead, manganese, mercury, methyl ethyl ketone, nickel, selenium, silver, toluene, trichloroethane, xylenes and/or zinc.

407. On certain occasions, the waste streams Gulf Coast Waste arranged for disposal at the USOR Site were generated by and/or transported by including but not limited to Baker Hughes, Cooper Energy, Dan-Loc, Delta Tubular, Evans Industries, Grant Prideco, Defendant Onyx Industrial Services, Inc., P Chem, Tri-Star Protector Services Co. and West Texas Drum.

408. The waste streams Gulf Coast Waste arranged for disposal at the USOR Site fall within the definition of “solid waste” under the TSWDA

409. By letter dated February 7, 2014, the USOR Site PRP Group notified Gulf Coast Waste of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Gulf Coast Waste the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

410. To date, Excel Industrial has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

411. According to USOR Site Records, in at least February 2004, Defendant FAM Marine Services, Inc. (“FAM Marine”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 1,430 gallons of waste containing hazardous substances owned or possessed by FAM Marine, at the USOR Site.

412. The waste streams generated by FAM Marine are described on USOR Site Records as “oily,” “oily water” and “oily rags” and contained some or all of the following

hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, dichloroethylene, ethyl benzene, iron, lead, manganese, mercury, methyl ethyl ketone, methylene chloride, nickel, selenium, silver, toluene, trichloroethane, trichloroethylene, xylenes and/or zinc.

413. FAM Marine arranged with transporter Turnerco to transport FAM Marine's waste streams to the USOR Site.

414. The waste streams generated by FAM Marine fall within the definition of "solid waste" under the TSWDA.

415. By letter dated December 12, 2014, the USOR Site PRP Group notified FAM Marine of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered FAM Marine the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

416. To date, FAM Marine has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

417. According to USOR Site Records, in at least January 2006, Defendant Famous Wok USA, Inc. ("Famous Wok") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 500 gallons of waste containing hazardous substances owned or possessed by Famous Wok, at the USOR Site.

418. The waste generated by Famous Wok is described on USOR Site Records as "grease" and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

419. On certain occasions, Famous Wok arranged with transporter A-Affordable Vacuum to transport Famous Wok's waste streams to the USOR Site.

420. The waste streams generated by Famous Wok fall within the definition of "solid waste" under the TSWDA.

421. By letter dated October 2, 2015, the USOR Site PRP Group notified Famous Wok of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Famous Wok the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

422. To date, Famous Wok has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

423. According to USOR Site Records, from at least January 2004 to August 2006, Defendant Farouk Systems, Inc. ("Farouk Systems") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 1,609,935 gallons of waste containing hazardous substances owned or possessed by Farouk Systems, at the USOR Site.

424. The waste streams generated and/or transported by Farouk Systems are described in USOR Site Records as "other aqueous waste with low dissolved solids (waste water)" and "organic" and contained some or all of the following hazardous substances: acetone, benzene, cadmium, chromium, copper, dichloroethylene, dichloromethane, lead, manganese, methyl ethyl ketone, methylene chloride, nickel, perchloroethylene, toluene, trichloroethane, trichloroethylene, vinyl chloride, xylenes and/or zinc.

425. On certain occasions, Farouk Systems also arranged with transporters including but not limited to HET Environmental, Envirovac, Gulf Coast and El Regio Vacuum to transport Farouk Systems' waste streams to the USOR Site.

426. The waste streams generated by Farouk Systems fall within the definition of "solid waste" under the TSWDA.

427. By letters dated December 5, 2013 and August 25, 2015, the USOR Site PRP Group notified Farouk Systems of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Farouk Systems the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

428. To date, Farouk Systems has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

429. According to USOR Site Records, from at least May 2004 to June 2006, Defendant Firebird Bulk Carriers, Inc. ("Firebird") accepted at least 598,325 gallons of waste containing hazardous substances for transport to the USOR Site, which was selected by Firebird.

430. The waste streams transported by Firebird were RCRA hazardous waste described on USOR Site Records as "waste corrosive liquid, inorganic, N.O.S., 8/UN 3225/ PGIII."

431. The waste transported by Firebird is also described on USOR Site Records as including but not limited to "non hazardous/non regulated liquid (bio sludge)," "other inorganic sludges (tank bottom slurry)," "rainwater runoff" and "Regular Plant Waste Water" and contained some or all of the following hazardous substances: acetone, benzene, chromium,

cobalt, copper, ethyl benzene, lead, manganese, methyl ethyl ketone, nickel, perchloroethylene, toluene, trichloroethane, vinyl chloride, xylenes and/or zinc.

432. The waste streams Firebird transported to the USOR Site were generated by including but not limited to Channel Shipyard Inc., ProWaste, Inc., Champion Technologies, Contractor Technology and Pilot Industries of Houston.

433. The waste streams transported to the USOR Site by Firebird fall within the definition of “solid waste” under the TSWDA.

434. To date, Firebird has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

435. According to USOR Site Records, from at least May 2004 to March 2006, Defendant Flan Ex Transportation (“Flan Ex Transportation”) accepted at least 6,612 gallons of waste containing hazardous substances for transport to the USOR Site, which was selected by Flan Ex Transportation.

436. The waste streams transported by Flan Ex Transportation were RCRA hazardous waste described on USOR Site Records as “LIN 3501/Universal Paint Waste,” “Universal Paint Waste, 3, UN1263, II” and “Universal Paint Waste.”

437. The waste streams transported by Flan Ex Transportation are also described on USOR Site Records as including but not limited to “non hazardous non regulated liquid (scaltite concrete cure)” and “Non Hazardous Non Regulated Material” and contained some or all of the following hazardous substances: acetone, benzene, chromium, cobalt, copper, ethyl benzene, lead, manganese, methyl ethyl ketone, nickel, perchloroethylene, toluene, trichloroethane, vinyl chloride, xylenes and/or zinc.

438. The waste streams Flan Ex Transportation transported to the USOR Site were generated by including but not limited to Borden, Inc., Wing Aviation, OCCP South Coatings and Transwestern.

439. The waste streams transported to the USOR Site by Flan Ex Transportation fall within the definition of “solid waste” under the TSWDA.

440. By letter dated December 12, 2014, the USOR Site PRP Group notified Flan Ex Transportation of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Flan Ex Transportation the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

441. To date, Flan Ex Transportation has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

442. According to USOR Site Records, in at least November 2009, Defendant Fluid Sealing Products, Inc. (“Fluid Sealing”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 1,000 gallons of waste containing hazardous substances owned or possessed by Fluid Sealing, at the USOR Site.

443. The waste streams generated by Fluid Sealing are described on USOR Site Records as “Non-RCRA Non-Hazardous (Phosphate Solution and Cleaner)” and contained some or all of the following hazardous substances: acetone, barium, benzene, chromium, copper, dichlorobenzene, dichloroethylene, lead, methylene chloride, methyl ethyl ketone, toluene, trichloroethane, trichloroethylene, xylenes and/or zinc.

444. Fluid Sealing arranged with transporter Intra Services Waste Transport to transport Fluid Sealing's waste streams to the USOR Site.

445. The waste streams generated by Fluid Sealing falls within the definition of "solid waste" under the TSWDA.

446. By letters dated December 5, 2013 and November 21, 2014, the USOR Site PRP Group notified Fluid Sealing of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Fluid Sealing the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

447. To date, Fluid Sealing has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

448. According to USOR Site Records, from at least February 2006 to March 2006, Defendant Frank's Grill ("Frank's Grill") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 810 gallons of waste containing hazardous substances owned or possessed by Frank's Grill, at the USOR Site.

449. The waste generated by Frank's Grill is described on USOR Site Records as "grease" and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

450. On certain occasions, Frank's Grill arranged with transporter Public Sanitary Works, Inc. to transport Frank's Grill waste streams to the USOR Site.

451. The waste streams generated by Frank's Grill fall within the definition of "solid waste" under the TSWDA.

452. By letter dated August 25, 2015, the USOR Site PRP Group notified Frank's Grill of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Frank's Grill the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

453. To date, Frank's Grill has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

454. According to USOR Site Records, in at least October 2003, Defendant Fulton Washateria ("Fulton Washateria") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 280 gallons of waste containing hazardous substances owned or possessed by Fulton Washateria, at the USOR Site.

455. The waste generated by Fulton Washateria is described on USOR Site Records as "lint" and contained some or all of the following hazardous substances: perchloroethylene, toluene, trichloroethane and/or xylenes.

456. On certain occasions, Fulton Washateria arranged with transporter Defendant Betos Hydro and Sanitation, also known as Blackhawk Co., to transport Fulton Washateria's waste streams to the USOR Site.

457. The waste streams generated by Fulton Washateria fall within the definition of "solid waste" under the TSWDA.



458. By letter dated August 25, 2015, the USOR Site PRP Group notified Fulton Washateria of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Fulton Washateria the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

459. To date, Fulton Washateria has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

460. Defendant GC Remediation, Ltd. ("GC Remediation") is formerly known as GCR Gulf Coast Remediation, Ltd. ("GCR Gulf Coast").

461. On or about June 9, 2003, GCR Gulf Coast changed its name to GC Remediation.

462. According to USOR Site Records, from at least September 2003 to October 2004, GC Remediation accepted for transport to the USOR Site, which was selected by GC Remediation, and/or by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment of waste owned or possessed by GC Remediation, at least 369,861 gallons of waste containing hazardous substances at the USOR Site.

463. On certain occasions, the waste streams GC Remediation generated, transported and/or arranged for disposal are described on USOR Site Records as "non DOT regulated material (sump solids of trash, rubber, debris and water)," "non haz waste liquid, non haz regulated material," "non hazardous, class I, wastewater," "oily non hazardous waste water" and "very dilute aqueous waste containing more than 99 percent water (rainwater runoff)" and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene,

cadmium, chromium, copper, dichloroethene, dichloromethane ethyl benzene, lead, manganese, methylene chloride, methyl ethyl ketone, mercury, nickel, perchloroethylene, selenium, silver, trichloroethane, trichloroethylene, toluene, xylenes and/or zinc.

464. On certain occasions, the waste streams GC Remediation generated, transported and/or arranged for disposal were RCRA hazardous waste described on USOR Site Records as “RQ waste combustible liquid, nos, combustible liquid, 3, NA1993, PG III (RQ=1.4-dioxane 100lbs.)”.

465. On certain occasions, GC Remediation transported its own waste streams to the USOR Site.

466. On certain occasions, GC Remediation transported and/or arranged for disposal of waste streams generated by Contractors Technology, Ltd., Kelly Springfield, Oxid, LP, Southwest Shipyard, Defendant Texas International Box Company & Rentals, Inc., Texas Oil and Gathering and WSI Industrial Safety.

467. The waste streams GC Remediation generated, transported to and/or arranged for disposal at the USOR Site fall within the definition of “solid waste” under the TSWDA.

468. By letter dated December 5, 2013, the USOR Site PRP Group notified GCR Gulf Coast of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered GCR Gulf Coast the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

469. To date, GC Remediation has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

470. Alternatively, Defendant USA Environment, LP (“USA Environment”) is responsible for some or all of the waste streams attributable to GC Remediation, as alleged in paragraph nos. 462-464 above.

471. In or about 2005, USA Environment acquired GC Remediation and thereafter continued the uninterrupted business operations of GC Remediation.

472. To date, USA Environment has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

473. Alternatively, Defendant USA Industrial Services (“USA Industrial Services”) is responsible for some or all of the waste streams attributable to GC Remediation, as alleged in paragraph nos. 462-464 above.

474. To date, USA Industrial Services has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

475. According to USOR Site Records, in at least March 2006, Defendant George’s Pizzeria & Italian Cuisine (“George’s Pizzeria”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 30 gallons of waste containing hazardous substances owned or possessed by George’s Pizzeria, at the USOR Site.

476. The waste generated by George’s Pizzeria is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

477. On certain occasions, George’s Pizzeria arranged with transporter Public Sanitary Works, Inc. to transport George Pizzeria’s waste streams to the USOR Site.

478. The waste streams generated by George's Pizzeria & Italian Cuisine fall within the definition of "solid waste" under the TSWDA.

479. By letter dated October 30, 2015, the USOR Site PRP Group notified George's Pizzeria of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered George's Pizzeria the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

480. To date, George's Pizzeria has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

481. According to USOR Site Records, in at least June 2004, Defendant Go West Fabricators & Rig Star, Inc. ("Go West Fabricators") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 2,800 gallons of waste containing hazardous substances owned or possessed by Go West Fabricators, at the USOR Site.

482. Go West Fabricators arranged with transporter Oil Mop, LLC to transport Go West Fabricators' waste streams to the USOR Site.

483. The waste streams generated by Go West Fabricators fall within the definition of "solid waste" under the TSWDA.

484. By letter dated December 12, 2014, the USOR Site PRP Group notified Go West Fabricators of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or

threatened release of hazardous substances at the USOR Site; and offered Go West Fabricators the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

485. To date, Go West Fabricators has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

486. Alternatively, Defendant DREFCO, Inc. ("DREFCO") doing business as Go West Fabricators is responsible for the waste streams attributable to Go West Fabricators, as alleged in paragraph no. 481 above.

487. By letter dated September 18, 2015, the USOR Site PRP Group notified DREFCO of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered DREFCO the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

488. To date, DREFCO has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

489. According to USOR Site Records, from at least October 2003 to February 2006, Defendant Golden Opportunity Recycling Service ("Golden Opportunity") accepted for transport to the USOR Site, which was selected by Golden Opportunity, and/or by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment of waste owned or possessed by Golden Opportunity, at least 19,000 gallons of waste containing hazardous substances at the USOR Site.

490. The waste streams Golden Opportunity transported to and/or arranged for disposal at the USOR Site are described on USOR Site Records as "oily water" and contained some or all

of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, ethyl benzene, iron, lead, manganese, mercury, methyl ethyl ketone, nickel, selenium, silver, toluene, trichloroethane, xylenes and/or zinc.

491. On certain occasions, Golden Opportunity transported its own waste streams to the USOR Site.

492. The waste streams Golden Opportunity transported to and/or arranged for disposal at the USOR Site fall within the definition of “solid waste” under the TSWDA.

493. By letter dated December 5, 2013, the USOR Site PRP Group notified Golden Opportunity of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Golden Opportunity the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

494. To date, Golden Opportunity has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

495. According to USOR Site Records, from at least December 2003 to March 2010, Defendant Goodgames Industrial Solutions, LLC (“GIS”) accepted for transport to the USOR Site, which was selected by GIS, and/or by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment of waste owned or possessed by GIS, at least 6,414,274 gallons of waste containing hazardous substances at the USOR Site.

496. On certain occasions, the waste streams GIS generated, transported and/or arranged for disposal were RCRA hazardous waste described on USOR Site Records as “haz

STF water,” “N.O.S. (contains sodium hydroxide) 8 UN1750 II,” “N.O.S. (contains sodium hydroxide) 8 UN1760 II,” “N.O.S. (fluorosilicic [sic] acid) 8 UN 3264 I,” “haz STF wash water,” “fluorosilicic [sic] acid,” “waste corrosive liquid,” “acidic inorganic N.O.S. (fluorosilicic [sic] acid) 8 (UN3284) I,” “hazardous waste liquid, N.O.S. (benzene) 9 NA 3082 PG III,” “PO # C1071-DD,” “haz. [sic] tetra fluoride[sic] water,” “STF water (low PH),” “hazardous waste water,” “waste flammable liquid NOS, # UN1993,” “hazardous water (benzene),” “waste sodium hydroxide solution,” “sodium hydroxide solution,” “fluorosilicic [sic] acid,” “benzene cont. [sic] water D018,” “non seg haz [sic] waste water,” “caustic cleaning solution,” “flammable NOS (sodium silicate, toluene) 8 UN 2929 PG II,” “hazardous [sic] waste liquid,” “inorganic, waste corrosive liquid,” “sodium hydroxide,” “freebaking biodiesel water and oily caustic solution,” “waste sodium hydroxide solution,” “STF water,” “sodium silicate solutions,” “acidic, inorganic NOS (hydrofluoric acid) 8 UN 3264,” “tetra fluoride water,” “waste flammable liquid,” “NOS (sodium silicate toluene) 8 UN2920 PGII,” “NOS (hydrofluoric acid) 8 UN 3264,” “haz amine wash water,” “hazardous waste” and “DPME & TPME tank material, class I haz.”

497. On certain occasions, the waste streams GIS generated, transported and/or arranged for disposal are described on USOR Site Records as “transmix,” “organic contaminated water,” “biodiesel water,” “spent sulphuric acid,” “hydrocarbon washwater,” “non hazardous washwater,” “amine wash water,” “contaminated rinse water,” “sump sludge,” “good oil,” “non-hazardous waste water,” “carbon black oily water,” “oil and water emulsion,” “non haz non regulated washwater (carbon black oily water),” “non regulated waste water,” “wastewater non-hazardous,” “non-hazardous hydrocarbon wash water,” “bio diesel slop,” “used oil fuel,” “oil content,” “oil,” “oil fuel,” “barge cleaning contact water,” “non hazardous non regulated oily debris,” “class 2 non hazardous, non regulated waste water,” “metal contaminated waste water,”

“oil/water mixture” and “oily water mix” and contained some or all of the following hazardous substances: acetone, arsenic, asbestos, barium, benzene, benzo(a)anthracene, benzo(a)pyrene, cadmium, chromium, cobalt, copper, cresol, dichlorobenzene, dichloroethylene, ethyl benzene, iron, lead, manganese, mercury, methylene chloride, methyl ethyl ketone, molybdenum, nickel, perchloroethylene, phenanthrene, selenium, silver, tin, toluene, trichloroethane, trichloroethylene, vinyl chloride, xylenes and/or zinc.

498. On certain occasions, GIS transported and/or arranged for disposal of waste streams generated by Alvin Chemical, Coach USA, Inc., Cole Chemical & Distributing, Inc., Dow Haltermann, Haltermann Custom Processing, Global Octanes, Haltermann Custom Processing Plant 2, Houston Dynamics, Houston Unlimited, Hoyer Global, LBC Baton Rouge, LBC Houston, MEMC Electronic Materials, Inc., MEMC Pasadena, Inc., Oil Patch Transportation, Inc., Oneok Hydrocarbon, Raywood Gas Plant, Southwest Shipyard, Stolthaven Houston, Inc., Texas Petrochemicals, TT Barge Services, Westway Terminal Co. LLC, VLS Recovery, Vopak Terminal Galena Park and Winn Fuel at the USOR Site.

499. The waste streams GIS generated, transported to and/or arranged for disposal at the USOR Site fall within the definition of “solid waste” under the TSWDA.

500. GIS entered into a series of tolling agreements with the USOR PRP Group, which tolled all applicable statutes of limitation from August 1, 2014 through the date of the Second Amended Complaint.

501. To date, GIS has refused to cooperate with the USOR Site PRP Group and has not paid its equitable share of response costs incurred by the USOR Site PRP Group at the USOR Site.



502. According to USOR Site Records, in at least October 2004, Defendant Grand Parkway Doctors Center (“Grand Parkway Doctors”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 100 gallons of waste containing hazardous substances owned or possessed by Grand Parkway Doctors, at the USOR Site.

503. The waste streams generated by Grand Parkway Doctors are described on USOR Site Records as “oily water” and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, ethyl benzene, iron, lead, manganese, mercury, methyl ethyl ketone, nickel, selenium, silver, toluene, trichloroethane, xylenes and/or zinc.

504. Grand Parkway Doctors arranged with transporter Defendant Specialized Maintenance Services, Inc. to transport Grand Parkway Doctors’ waste streams to the USOR Site.

505. The waste streams generated by Grand Parkway Doctors fall within the definition of “solid waste” under the TSWDA.

506. By letters dated December 5, 2013 and November 21, 2014, the USOR Site PRP Group notified Grand Parkway Doctors of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Grand Parkway Doctors the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

507. To date, Grand Parkway Doctors has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

508. According to USOR Site Records, from at least February 2004 to October 2007, Defendant Grease Recyclers Co-op (“Grease Recyclers”) accepted for accepted for transport to the USOR Site, which was selected by Grease Recyclers, and/or by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment of waste owned or possessed by Grease Recyclers, at least 833,000 gallons of waste containing hazardous substances at the USOR Site.

509. The waste streams Grease Recyclers transported to and/or arranged for disposal at the USOR Site are described on USOR Site Records as “organic,” “oily water,” and “grease bottoms” and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, dichlorobenzene, dichloroethylene, dichloromethane, ethyl benzene, iron, lead, manganese, mercury, methyl ethyl ketone, methylene chloride, nickel, selenium, silver, toluene, trichloroethane, trichloroethylene, vinyl chloride, xylenes and/or zinc.

510. On certain occasions, Grease Recyclers transported its own waste streams to the USOR Site.

511. The waste streams generated by Grease Recyclers fall within the definition of “solid waste” under the TSWDA.

512. To date, Grease Recyclers has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

513. According to USOR Site Records, in at least July 2008 to February 2009, Defendant GreenHunter Biofuels, Inc. (“GreenHunter Biofuels”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 96,300 gallons of waste containing hazardous substances owned or possessed by GreenHunter Biofuels, at the USOR Site.

514. The waste streams generated by GreenHunter Biofuels are described on USOR Site Records as “non-RCRA non-hazardous (oily water),” “spill cleanup waste water,” “non-hazardous low aqueous waste with low dissolved solid,” “sump water,” “recyclable contaminated bio-diesel,” and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, ethyl benzene, lead, manganese, mercury, methyl ethyl ketone, methylene chloride, nickel, toluene, trichloroethane, xylenes and/or zinc.

515. On certain occasions, GreenHunter Biofuels arranged with transporters Defendant MTI Environmental LLC and US Oil Recovery to transport GreenHunter Biofuels’ waste streams to the USOR Site.

516. The waste streams generated by GreenHunter Biofuels fall within the definition of “solid waste” under the TSWDA.

517. By letter dated December 5, 2013, the USOR Site PRP Group notified GreenHunter Biofuels of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered GreenHunter Biofuels the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

518. To date, GreenHunter Biofuels has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

519. According to USOR Site Records, in at least February 2006, Defendant Grisby's, Inc. ("Grisby's") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 20 gallons of waste containing hazardous substances owned or possessed by Grisby's, at the USOR Site.

520. The waste generated by Grisby's is described on USOR Site Records as "grease" and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

521. On certain occasions, Grisby's arranged with transporter Public Sanitary Works, Inc. to transport Grisby's' waste streams to the USOR Site.

522. The waste streams generated by Grisby's fall within the definition of "solid waste" under the TSWDA.

523. By letter dated September 25, 2015, the USOR Site PRP Group notified Grisby's of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Grisby's the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

524. To date, Grisby's has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

525. According to USOR Site Records, from at least July 2004 to October 2007, Defendant Gulbrandsen Technologies Inc. ("Gulbrandsen") by contract, agreement, or otherwise

arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment of waste owned or possessed by Gulbrandsen, at least 932,400 gallons of waste containing hazardous substances at the USOR Site.

526. The waste streams Gulbrandsen generated, transported and/or arranged for disposal are described on USOR Site Records as “storm water,” “class II first flush storm waste water,” “non-hazardous class II sludge, aluminum hydroxide,” and “non-hazardous class II flush storm water, non-regulated,” and contained some or all of the following hazardous substances: acetone, barium, chromium, copper, dichloromethane, lead, manganese, methyl ethyl ketone, nickel, perchloroethylene, toluene, trichloroethane, trichloroethylene, xylenes and/or zinc.

527. On other occasions, Gulbrandsen transported and/or arranged for disposal of waste streams generated by Gator Environmental & Rentals.

528. The waste streams Gulbrandsen transported to and/or arranged for disposal at the USOR Site fall within the definition of “solid waste” under the TSWDA

529. By letter dated February 7, 2014, the USOR Site PRP Group notified Gulbrandsen of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Gulbrandsen the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

530. To date, Gulbrandsen has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

531. According to USOR Site Records in at least July 2007, Defendant Gulf States Environmental Solutions, Inc. (“Gulf States Environmental”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for

disposal or treatment, at least 2 gallons of waste containing hazardous substances owned or possessed by Gulf States Environmental, at the USOR Site.

532. The waste streams Gulf States Environmental arranged for disposal are described on USOR Site Records as “used oil fuel” and contained some or all of the following hazardous substances: acetone, chromium, copper, lead, methanol, methyl ethyl ketone, toluene and/or xylenes.

533. The waste streams Gulf States Environmental arranged for disposal at the USOR Site were generated by Houston Fuel Oil.

534. The waste streams arranged for disposal at the USOR Site by Gulf States Environmental fall within the definition of “solid waste” under the TSWDA.

535. By letter dated December 5, 2013, the USOR Site PRP Group notified Gulf States Environmental of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Gulf States Environmental the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

536. To date, Gulf States Environmental has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

537. According to USOR Site Records, in at least July 2007 to September 2008, Defendant H2O Industrial Services, LLC (“H2O Industrial”) accepted for transport to the USOR Site, which was selected by H2O Industrial, and/or by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or

treatment of waste owned or possessed by H2O Industrial, at least 6,116 gallons of waste containing hazardous substances owned or possessed by H2O at the USOR Site.

538. The waste streams generated by and/or transported by H2O Industrial are described on the USOR Site Records as “EPA & DOT non-regulated material,” “glycerin fatty matter,” “out of date soap blend,” and contained some or all of the following hazardous substances: acetone, benzene, cadmium, chromium, copper, dichloroethylene, ethyl benzene, lead, manganese, methyl ethyl ketone, methylene chloride, nickel, toluene, trichloroethane, trichloroethylene, xylenes and/or zinc.

539. On certain occasions, H2O Industrial arranged with Anderson Pollution Control, Inc. to transport H2O Industrial’s waste stream to the USOR Site.

540. On other occasions, H2O Industrial also accepted for transport to the USOR Site waste streams generated by Alliance Pas-Tex c/o Lexxus Environmental.

541. The waste streams generated by H2O Industrial and/or transported by H2O Industrial fall within the definition of “solid waste” under the TSWDA.

542. By letters dated December 5, 2013 and December 12, 2014, the USOR Site PRP Group notified H2O Industrial of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered H2O Industrial the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

543. To date, H2O Industrial has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

544. Alternatively, Alliance Pastex is the successor to H2O Industrial and is responsible for the waste streams attributable to H2O Industrial, as alleged in paragraph nos. 537-538 above.

545. Upon information and belief, Alliance Pastex operates at the same location as H2O Industrial, has continued the uninterrupted business activities of H2O Industrial, and has retained employees and/or corporate personnel of H2O Industrial.

546. To date, Alliance Pastex has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

547. According to USOR Site Records, from at least July to August 2006, Defendant HGM Products Group, LLC (“HGM Products”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 10,300 gallons of waste containing hazardous substances owned or possessed by HGM Products, at the USOR Site.

548. The waste streams generated by HGM Products are described on USOR Site Records as “non-hazardous waste water” and contained some or all of the following hazardous substances: acetone, arsenic, cadmium, chromium, copper, lead, manganese, methyl ethyl ketone, nickel, perchloroethylene, toluene, trichloroethane, trichloroethylene, xylenes and/or zinc.

549. HGM Products arranged with transporter USA Environment to transport HGM Products’ waste streams to the USOR Site.

550. The waste streams generated by HGM Products fall within the definition of “solid waste” under the TSWDA.



551. By letters dated December 5, 2013 and December 19, 2014, the USOR Site PRP Group notified HGM Products of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered HGM Products the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

552. To date, HGM Products has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

553. According to USOR Site Records, in at least February 2006, Defendant Hernandez TX Taco Express ("Taco Express") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 1,000 gallons of waste containing hazardous substances owned or possessed by Taco Express, at the USOR Site.

554. The waste generated by Taco Express is described on USOR Site Records as "grease" and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

555. On certain occasions, Taco Express arranged with transporter Public Sanitary Works, Inc. to transport Taco Express's waste streams to the USOR Site.

556. The waste streams generated by Taco Express fall within the definition of "solid waste" under the TSWDA.

557. By letter dated September 18, 2015, the USOR Site PRP Group notified Taco Express of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or

threatened release of hazardous substances at the USOR Site; and offered Taco Express the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

558. To date, Taco Express has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

559. According to USOR Site Records, in at least May 2004, Defendant Hippo Waste Systems, LLC ("Hippo Waste Systems") accepted at least 9,090 gallons of waste containing hazardous substances for transport to the USOR Site, which was selected by Hippo Waste Systems.

560. The waste streams transported by Hippo Waste Systems are described on USOR Site Records as "non DOT regulated material (drilling mud)" and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, ethyl benzene, iron, lead, manganese, mercury, methyl ethyl ketone, nickel, toluene, trichloroethane, xylenes and/or zinc.

561. The waste streams Hippo Waste Systems transported to the USOR Site were generated by Schlumberger Tech.

562. The waste streams transported to the USOR Site by Hippo Waste Systems fall within the definition of "solid waste" under the TSWDA.

563. By letter dated February 20, 2015, the USOR Site PRP Group notified Hippo Waste Systems of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Hippo Waste Systems the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

564. To date, Hippo Waste Systems has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

565. According to USOR Site Records, from at least December 2003 to August 2008, Defendant Holcomb Environmental Oil Services LLC (“Holcomb Environmental”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 257,906 gallons of waste containing hazardous substances owned or possessed by Holcomb Environmental, at the USOR Site.

566. The waste streams generated by and/or transported by Holcomb Environmental are described on USOR Site Records as “coolant and oily water,” “drums of dry floor,” “floor dry/ oily rags (drums),” “oily waste water,” “silicone/water,” “waste coolant,” and “waste sludge (drums)” and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, ethyl benzene, iron, lead, manganese, mercury, methyl ethyl ketone, nickel, selenium, silver, toluene, trichloroethane, xylenes and/or zinc.

567. On certain occasions, Holcomb Environmental transported its own waste streams to the USOR Site.

568. On other occasions, Holcomb Environmental also arranged with transporter Everready Environmental to transport Holcomb Environmental’s waste streams to the USOR Site.

569. The waste streams generated by Holcomb Environmental and/or transported to the USOR Site by Holcomb Environmental fall within the definition of “solid waste” under the TSWDA.

570. By letter dated February 7, 2014, the USOR Site PRP Group notified Holcomb Environmental of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Holcomb Environmental the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

571. To date, Holcomb Environmental has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

572. According to USOR Site Records, from at least June 2007 to October 2009, Defendant Houston Shutters LLC ("Houston Shutters") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 6,820 gallons of waste containing hazardous substances owned or possessed by Houston Shutters, at the USOR Site.

573. The waste streams generated by Houston Shutters are described on USOR Site Records as "non-hazardous, non-regulated liquid (talc paint rinswater) [sic]" and contained some or all of the following hazardous substances: acetone, cadmium, chromium, copper, dichloroethylene, lead, methyl ethyl ketone, methylene chloride, nickel, toluene, trichloroethane, trichloroethylene and/or zinc.

574. Houston Shutters arranged with transporter ProWaste Inc. to transport Houston Shutters' waste streams to the USOR Site.

575. The waste streams generated by Houston Shutters fall within the definition of "solid waste" under the TSWDA.

576. By letters dated December 5, 2013 and December 12, 2014, the USOR Site PRP Group notified Houston Shutters of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Houston Shutters the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

577. To date, Houston Shutters has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

578. According to USOR Site Records, in at least February 2006, Defendant Hsiang E Enterprise, LLC doing business as Sasaki Japanese Restaurant ("Hsiang Enterprise") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 30 gallons of waste containing hazardous substances owned or possessed Hsiang Enterprise, at the USOR Site.

579. The waste generated by Hsiang Enterprise is described on USOR Site Records as "grease" and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

580. On certain occasions, Hsiang Enterprise arranged with transporter Public Sanitary Works, Inc. to transport Hsiang Enterprise's waste streams to the USOR Site.

581. The waste streams generated by Hsiang Enterprise fall within the definition of "solid waste" under the TSWDA.

582. By letter dated September 18, 2015, the USOR Site PRP Group notified Hsiang Enterprise of the existence of the release or threatened release of hazardous substances at the

USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Hsiang Enterprise the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

583. To date, Hsiang Enterprise has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

584. According to USOR Site Records, in at least January 2004, Defendant International Bank of Commerce ("International Bank") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 4,444 gallons of waste containing hazardous substances owned or possessed by International Bank, at the USOR Site.

585. International Bank arranged with transporter Defendant Specialized Maintenance Services, Inc. to transport International Bank's waste streams to the USOR Site.

586. The waste streams generated by International Bank fall within the definition of "solid waste" under the TSWDA.

587. By letters dated December 5, 2013 and September 18, 2015, the USOR Site PRP Group notified International Bank of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered International Bank the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

588. To date, International Bank has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

589. According to USOR Site Records, in at least March 2006, Defendant JDST, Inc. doing business as Sol Supermarket (“JDST”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 700 gallons of waste containing hazardous substances owned or possessed by JDST, at the USOR Site.

590. The waste generated by JDST is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: acetone, arsenic, benzene, cadmium, chromium, copper, dichlorobenzene, dichloroethylene, lead, mercury, methylene chloride, molybdenum, nickel, selenium, trichloroethane, trichloroethylene, selenium and/or zinc.

591. On certain occasions, JDST arranged with transporter Public Sanitary Works, Inc. to transport JDST’s waste streams to the USOR Site.

592. The waste streams generated by JDST fall within the definition of “solid waste” under the TSWDA.

593. By letter dated September 25, 2015, the USOR Site PRP Group notified JDST of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered JDST the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

594. To date, JDST has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

595. According to USOR Site Records, from at least February 2004 to September 2005, Defendant K-3 Resources, L.P. (“K-3 Resources”), doing business as K-3BMI (“K-3BMI”) accepted at least 209,700 gallons of waste containing hazardous substances for transport to the USOR Site, which was selected by K-3 Resources.

596. The waste streams transported by K-3 Resources are described on USOR Site Records as “organic,” “non DOT regulated material (rainwater),” “very dilute aqueous waste containing more than 99 percent water (rainwater runoff),” “non hazardous waste water,” “non haz/non-regulated waste water,” “non-hazardous/non-regulated wastewater,” “non haz-non regulated ww,” “(non haz) (non regulated) waste water,” “regular plant waste water non-hazardous/non-regulated liquid” and “very dilute aqueous waste containing more than 99 percent water (fire and storm water)” and contained some or all of the following hazardous substances: acetone, arsenic, cadmium, chromium, copper, dichloroethylene, lead, mercury, methyl ethyl ketone, methylene chloride, nickel, toluene, trichloroethane, trichloroethylene and/or zinc.

597. The waste streams transported by K-3 Resources to the USOR Site were generated by Allchem Services Inc., Bolivar Barge Cleaning Services, Champion Technologies, Inc., Contractor Technology, Schlumberger Technology Co. and TNG Utilities.

598. The waste streams transported to the USOR Site by K-3 Resources fall within the definition of “solid waste” under the TSWDA.

599. By letter dated June 24, 2015, the USOR Site PRP Group notified K-3 Resources of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened



release of hazardous substances at the USOR Site; and offered K-3 Resources the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

600. To date, K-3 Resources has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

601. According to USOR Site Records, in at least February 2006, Defendant KHSS Ventures, Inc. doing business as Skillet's ("KHSS Ventures") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 1,000 gallons of waste containing hazardous substances owned or possessed by KHSS Ventures, at the USOR Site.

602. The waste generated by KHSS Ventures is described on USOR Site Records as "grease" and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

603. On certain occasions, KHSS Ventures arranged with transporter Consolidated Waste, LLC, doing business as Liquid Waste Solutions, to transport KHSS Venture's waste streams to the USOR Site.

604. The waste streams generated by KHSS Ventures fall within the definition of "solid waste" under the TSWDA.

605. By letter dated September 25, 2015, the USOR Site PRP Group notified KHSS Ventures of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered KHSS Ventures the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

606. To date, KHSS Ventures has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

607. According to USOR Site Records, from at least December 2005 to March 2006, Defendant Karen & Karen, Inc. doing business as Piatto Ristorante (“Karen & Karen”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 2,000 gallons of waste containing hazardous substances owned or possessed by Karen & Karen, at the USOR Site.

608. The waste generated by Karen & Karen is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

609. On certain occasions, Karen & Karen arranged with transporter Consolidated Waste, LLC, doing business as Liquid Waste Solutions, to transport Karen & Karen’s waste streams to the USOR Site.

610. The waste streams generated by Karen & Karen fall within the definition of “solid waste” under the TSWDA.

611. By letter dated September 4, 2015, the USOR Site PRP Group notified Karen & Karen of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Karen & Karen the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

612. To date, Karen & Karen has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

613. According to USOR Site Records, from at least July 2004 to September 2007, Defendant Kelly-Springfield (“Kelly-Springfield”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 124,814 gallons of waste containing hazardous substances owned or possessed by Kelly-Springfield, at the USOR Site.

614. The waste streams generated by Kelly-Springfield are described on USOR Site Records as “wastewater from scrubber system,” “non DOT regulated material sump solids of trash, rubber, debris and water,” “non DOT regulated material (air scrubber wastewater),” “non DOT regulated material (air scrubber water)” and contained some or all of the following hazardous substances: acetone, benzene, cadmium, chromium, copper, dichloroethylene, lead, methyl ethyl ketone, methylene chloride, nickel, perchloroethylene, toluene, trichloroethane, trichloroethylene, vinyl chloride, xylenes and/or zinc.

615. On certain occasions, Kelly-Springfield arranged with transporters Defendant Eagle Construction and Environmental Services, LLC, doing business as SWS Environmental Services, Evergreen, Defendant GC Remediation Ltd., and Triad Transport, Inc. to transport Kelly-Springfield’s waste streams to the USOR Site.

616. The waste streams generated by Kelly-Springfield fall within the definition of “solid waste” under the TSWDA.

617. To date, Kelly-Springfield has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

618. According to USOR Site Records, in at least November 2005, Defendant LH Neat Services, LLC doing business as Kim Hai Chinese and Vietnamese (“LH Neat”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for

transport for disposal or treatment, at least 4,180 gallons of waste containing hazardous substances owned or possessed by LH Neat, at the USOR Site.

619. The waste generated by LH Neat is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

620. On certain occasions, LH Neat arranged with transporter Unique Sanitation to transport LH Neat’s waste streams to the USOR Site.

621. The waste streams generated by LH Neat fall within the definition of “solid waste” under the TSWDA.

622. By a letter dated September 18, 2015, the USOR Site PRP Group notified LH Neat of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered LH Neat the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

623. To date, LH Neat has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

624. According to USOR Site Records, from at least February 2006 to March 2006, Defendant La Pupusa Loca Restaurant (“La Pupusa”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 1,411 gallons of waste containing hazardous substances owned or possessed by La Pupusa, at the USOR Site.

625. The waste generated by La Pupusa is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

626. On certain occasions, La Pupusa arranged with transporter Public Sanitary Works, Inc. to transport La Pupusa’s waste streams to the USOR Site.

627. The waste streams generated by La Pupusa fall within the definition of “solid waste” under the TSWDA.

628. By letter dated October 2, 2015, the USOR Site PRP Group notified La Pupusa of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered La Pupusa the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

629. To date, La Pupusa has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

630. According to USOR Site Records, in at least November 2005, Defendant Lafayette Cajun Seafood (“Lafayette Seafood”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 1,000 gallons of waste containing hazardous substances owned or possessed by Lafayette Seafood, at the USOR Site.

631. The waste generated by Lafayette Seafood is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

632. On certain occasions, Lafayette Seafood arranged with transporter A-Affordable Vacuum Services to transport Lafayette Seafood's waste streams to the USOR Site.

633. The waste streams generated by Lafayette Seafood fall within the definition of "solid waste" under the TSWDA.

634. By letter dated September 25, 2015 the USOR Site PRP Group notified Lafayette Seafood of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Lafayette Seafood the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

635. To date, Lafayette Seafood has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

636. According to USOR Site Records, in at least November 2005, Defendant Lazeeza Restaurant ("Lazeeza") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 500 gallons of waste containing hazardous substances owned or possessed by Lazeeza, at the USOR Site.

637. The waste generated by Lazeeza is described on USOR Site Records as "grease" and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

638. On certain occasions, Lazeeza arranged with transporter Consolidated Waste, LLC, doing business as Liquid Waste Solutions, to transport Lazeeza's waste streams to the USOR Site.

639. The waste streams generated by Lazeeza fall within the definition of “solid waste” under the TSWDA.

640. By letter dated September 4, 2015, the USOR Site PRP Group notified Lazeeza of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Lazeeza the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

641. To date, Lazeeza has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

642. According to USOR Site Records, in at least February 2006, Defendant Le Cep, Inc. doing business as Bistro Le Cep (“Bistro Le Cep”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 2,000 gallons of waste containing hazardous substances owned or possessed by Bistro Le Cep, at the USOR Site.

643. The waste generated by Bistro Le Cep is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

644. On certain occasions, Bistro Le Cep arranged with transporter Public Sanitary Works, Inc. to transport Bistro Le Cep’s waste streams to the USOR Site.

645. The waste streams generated by Bistro Le Cep fall within the definition of “solid waste” under the TSWDA.

646. By letter dated August 14, 2015, the USOR Site PRP Group notified Bistro Le Cep of the existence of the release or threatened release of hazardous substances at the USOR

Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Bistro Le Cep the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

647. To date, Bistro Le Cep has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

648. According to USOR Site Records, from at least October 2003 to December 2003, Defendant Lewis' Acres Service, Inc. ("Lewis' Acres") accepted at least 12,999 gallons of waste containing hazardous substances for transport to the USOR Site, which was selected by Lewis' Acres.

649. The waste streams transported by Lewis' Acres are described on USOR Site Records as "grease" and contained some or all of the following hazardous substances: acetone, arsenic, benzene, cadmium, chromium, copper, dichlorobenzene, dichloroethylene, lead, mercury, methylene chloride, molybdenum, selenium, trichloroethane, trichloroethylene and/or zinc.

650. The waste streams Lewis' Acres transported to the USOR Site were generated by J&R Services and JTB Recycling.

651. The waste streams transported to the USOR Site by Lewis' Acres fall within the definition of "solid waste" under the TSWDA.

652. To date, Lewis' Acres has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

653. According to USOR Site Records, from at least August 2004 to February 2009, Defendant Lion Industrial Resources, Inc. ("Lion Industrial") accepted for transport to the USOR Site, which was selected by Lion Industrial, and/or by contract, agreement, or otherwise arranged



for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment of waste owned or possessed by Lion Industrial, at least 434,144 gallons of waste containing hazardous substances at the USOR Site.

654. The waste streams Lion Industrial generated, transported and/or arranged for disposal are described on USOR Site Records as including but not limited to “oily water,” “recyclable used oil related material,” “recyclable hydrocarbons,” “non haz process water” and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, ethyl benzene, dichlorobenzene, dichloroethylene, iron, lead, mercury, methylene chloride, nickel, selenium, silver, trichloroethane, trichloroethylene, xylenes and/or zinc.

655. On certain occasions, Lion Industrial transported its own waste streams to the USOR Site.

656. On other occasions, Lion Disposal arranged for disposal at the USOR Site of waste streams generated by including but not limited to American Springwire, Explorer Pipeline, Paradigm and Teppco.

657. The waste streams Lion Industrial generated, transported to and/or arranged for disposal at the USOR Site fall within the definition of “solid waste” under the TSWDA.

658. By letter dated June 4, 2014, the USOR Site PRP Group notified Lion Industrial of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Lion Industrial the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

659. To date, Lion Industrial has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

660. According to USOR Site Records, from at least February to March 2004, Defendant Lockheed Martin Corporation (“Lockheed Martin”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 2,810 gallons of waste containing hazardous substances owned or possessed by Lockheed Martin, at the USOR Site.

661. The waste streams generated by Lockheed Martin are described on USOR Site Records as “oily waste water (not USEPA or USDOT regulated)” and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, ethyl benzene, iron, lead, manganese, mercury, methyl ethyl ketone, nickel, selenium, silver, toluene, trichloroethane, xylenes and/or zinc.

662. On certain occasions, Lockheed Martin arranged with transporters Defendant Coal City Cob Co., Inc., Safety-Kleen Systems, Inc. and Triad Transport, Inc. to transport Lockheed Martin’s waste streams to the USOR Site.

663. The waste streams generated by Lockheed Martin fall within the definition of “solid waste” under the TSWDA.

664. Additionally, Lockheed Martin is the successor to Kelly Aviation Center LP (“Kelly Aviation”).

665. Upon information and belief, on or about April 2014, Lockheed Martin acquired Kelly Aviation as a going concern and thereafter continued the uninterrupted business activities of Kelly Aviation.

666. According to USOR Site Records, from at least March 2004 to March 2007, Kelly Aviation by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 38,340 gallons of waste containing hazardous substances owned or possessed by Kelly Aviation, at the USOR Site.

667. The waste streams generated by Kelly Aviation are described on USOR Site Records as “non regulated material, non hazardous liquid,” “non regulated used oil (hydraulic oil with water),” “oily waste water (not USDOT or USEPA regulated)” contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, ethyl benzene, iron, lead, manganese, mercury, methyl ethyl ketone, nickel, selenium, silver, toluene, trichloroethane, xylenes and/or zinc.

668. On certain occasions, Kelly Aviation arranged with transporters Defendant Coal City Cob Co., Inc., Gulf Coast Vacuum Service, Safety-Kleen Systems, Inc. and Triad Transport, Inc. to transport Kelly Aviation’s waste streams to the USOR Site.

669. The waste streams generated by Kelly Aviation fall within the definition of “solid waste” under the TSWDA.

670. To date, Lockheed Martin has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

671. According to USOR Site Records, from at least February 2006 to March 2006, Defendant Los Cucos Mexican Café, Inc. (“Los Cucos Café”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 9,100 gallons of waste containing hazardous substances owned or possessed by Los Cucos Café, at the USOR Site.

672. The waste generated by Los Cucos Café is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

673. On certain occasions, Los Cucos Café arranged with transporter Public Sanitary Works, Inc. to transport Los Cucos Café’s waste streams to the USOR Site.

674. The waste streams generated by Los Cucos Café fall within the definition of “solid waste” under the TSWDA.

675. By letter dated September 25, 2015, the USOR Site PRP Group notified Los Cucos Café of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Los Cucos Café the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

676. To date, Los Cucos Café has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

677. Defendant MMJ Industries, Inc. (“MMJ Industries”) is formerly known as Custom Ecology, Inc. (“Custom Ecology”).

678. According to USOR Site Records, from at least May 2006 to July 2007, Custom Ecology accepted for transport to the USOR Site, which was selected by Custom Ecology, and/or by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment of waste owned or possessed by Custom Ecology, at least 63,831 gallons of waste containing hazardous substances at the USOR Site.

679. The waste streams transported by Custom Ecology were RCRA hazardous waste described on USOR Site Records as “hazardous waste liquid, N.O.S., (benzene), 9, NA3082, PG III” and “corrosive liquid, basic, organic, nos 8 UN3267, PG III.”

680. The waste streams transported by Custom Ecology are also described on USOR Site Records as “non DOT regulated material (non hazardous water waste stream1),” “barge cleaning contact water,” “non DOT regulated material (nitric acid water),” “non DOT regulated material (wastewater) wastewater w/coupler” and “non DOT regulated material, 78-36393 non haz waste water, 0609-1821” and contained some or all of the following hazardous substances: acetone, arsenic, benzene, cadmium, chromium, copper, dichloroethylene, ethyl benzene, lead, manganese, methyl ethyl ketone, mercury, methylene chloride, nickel, toluene, trichloroethane, trichloroethylene and/or zinc.

681. The waste streams Custom Ecology transported to the USOR Site were generated by BASF, CESCO Chemicals, Nalco and TT Barge Services.

682. The waste streams transported to the USOR Site by Custom Ecology fall within the definition of “solid waste” under the TSWDA.

683. By letter dated October 30, 2015, the USOR Site PRP Group notified MMJ Industries of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered MMJ Industries the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

684. To date, MMJ Industries has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

685. According to USOR Site Records, from at least January 2007 to August 2009, Defendant MTI Environmental LLC (“MTI Environmental”) accepted for transport to the USOR Site, which was selected by MTI Environmental, and/or by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment of waste owned or possessed by MTI Environmental, at least 97,999 gallons of waste containing hazardous substances at the USOR Site.

686. The waste streams generated by and/or transported by MTI Environmental were RCRA hazardous waste described on USOR Site Records as “RQ waste corrosive liquid, acidic, inorganic, n.o.s. 8, UN3264, PG III (sulfuric acid & water),” UN-3262 pg3 ‘sodium hydroxide’,” “RQ waste flammable liquids, corrosive n.o.s. 8, UN2924 PG III,” “paint related material including paint thinning, 3, UN1263, PG III (universal),” “paint related material including paint thinning, 3, UN[], PG III, 1210 (universal),” waste corrosive liquids, n.o.s. (contains sulfuric acid) 8, UN1760, PG II,” and “waste flammable liquid, n.o.s., 3, UN1993, PG II (isopropanol, aromatic naphtha).”

687. The waste streams generated by and/or transported by MTI Environmental are also described on USOR Site Records as “non-RCRA non-hazardous (petroleum solids),” “non-RCRA, non-hazardous (oily water),” “non-RCRA, non-hazardous chrome rinsewater,” “chrome rinsewater,” “sulfuric acid & water,” and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, ethyl benzene, iron, lead, manganese, mercury, methyl ethyl ketone, nickel, selenium, silver, toluene, trichloroethane, trichloroethylene, xylenes and/or zinc.

688. On certain occasions, MTI Environmental transported its own waste streams to the USOR Site.

689. On other occasions, MTI Environmental arranged with transporters Legacee International Environmental Services, Inc. doing business as Texas Waste Carriers and Defendant Top Notch Transportation, Inc. to transport MTI Environmental's waste streams to the USOR Site.

690. On other occasions, MTI Environmental also accepted for transport to the USOR Site waste streams generated by Champion Technologies, Defendant Delta Specialty Coatings LLC, Green Hunter Biofuels, InkJet Inc., Intra-Service Co. and Tasker Products Corp.

691. The waste streams generated by MTI Environmental fall within the definition of "solid waste" under the TSWDA.

692. By letters dated December 5, 2013 and March 10, 2015, the USOR Site PRP Group notified MTI Environmental of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered MTI Environmental the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

693. To date, MTI Environmental has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

694. Alternatively, Defendant MTI Services, LLC ("MTI Services") is the successor to MTI Environmental and is responsible for the waste streams attributable to MTI Environmental, as alleged in paragraph nos. 685-687 above.

695. MTI Services has continued the uninterrupted business activities of MTI Environmental in the same location and retained certain employees and corporate personnel of MTI Environmental.

696. By letter dated September 18, 2015, the USOR Site PRP Group notified MTI Services of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered MTI Services the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

697. To date, MTI Services has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

698. According to USOR Site Records, in at least May, 2004, Defendant Market Truck Stop, Inc. doing business as Texas Truck Stop ("Texas Truck Stop") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 3,000 gallons of waste containing hazardous substances owned or possessed by Texas Truck Stop, at the USOR Site.

699. The waste streams generated by Texas Truck Stop are described on USOR Site Records as "oily water" and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, ethyl benzene, iron, lead, manganese, mercury, methyl ethyl ketone, nickel, selenium, silver, toluene, trichloroethane, xylenes and/or zinc.

700. On certain occasions, Texas Truck Stop arranged with transporter Garner Environmental to transport Texas Truck Stop's waste streams to the USOR Site.



701. The waste streams generated by Texas Truck Stop fall within the definition of “solid waste” under the TSWDA.

702. By letter dated December 12, 2014, the USOR Site PRP Group notified Texas Truck Stop of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Texas Truck Stop the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

703. To date, Texas Truck Stop has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

704. According to USOR Site Records, from at least November 2003 to August 2006, Defendant Master-Halco, Inc. (“Master-Halco”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 43,400 gallons of waste containing hazardous substances owned or possessed by Master-Halco, at the USOR Site.

705. The waste streams generated by Master-Halco are described on USOR Site Records as “wastewater” or “zinc wastewater” and contained some or all of the following hazardous substances: acetone, chromium, copper, dichloroethylene, lead, manganese, methyl ethyl ketone, nickel, perchloroethylene, toluene, trichloroethane, trichloroethylene, xylenes and/or zinc.

706. On certain occasions, Master-Halco arranged with transporter Defendant Coal City Cob Co., Inc. to transport Master-Halco’s waste streams to the USOR site.

707. The waste streams generated by Master-Halco fall within the definition of “solid waste” under the TSWDA.

708. By letters dated December 5, 2013 and February 27, 2015, the USOR Site PRP Group notified Master-Halco of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Master-Halco the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

709. To date, Master-Halco has refused to cooperate with the USOR Site PRP group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

710. According to USOR Site Records, from at least December 2005 to March 2006, Defendant Mayuri India Cuisine, Inc. doing business as Mayuri Indian Restaurant (“Mayuri”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 10,000 gallons of waste containing hazardous substances owned or possessed by Mayuri, at the USOR Site.

711. The waste generated by Mayuri is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

712. On certain occasions, Mayuri arranged with transporter Consolidated Waste, LLC, doing business as Liquid Waste Solutions, to transport Mayuri’s waste streams to the USOR Site.

713. The waste streams generated by Mayuri fall within the definition of “solid waste” under the TSWDA.

714. By letter dated September 18, 2015, the USOR Site PRP Group notified Mayuri of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Mayuri the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

715. To date, Mayuri has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

716. According to USOR Site Records, from at least January to April 2004, Defendant Metro Grease Service LLC ("Metro Grease") accepted at least 26,500 gallons of waste containing hazardous substances for transport to the USOR Site, which was selected by Metro Grease.

717. The waste streams transported by Metro Grease are described on USOR Site Records as "organic" or "org" and contained some or all of the following substances: acetone, benzene, cadmium, chromium, copper, dichlorobenzene, dichloroethylene, dichloromethane, lead, manganese, methylene chloride, nickel, trichloroethane, trichloroethylene, vinyl chloride and/or zinc.

718. The waste streams Metro Grease transported to the USOR Site were generated by Allison Enterprises and Defendant Grease Recyclers Co-op.

719. The waste streams transported to the USOR Site by Metro Grease fall within the definition of "solid waste" under the TSWDA.

720. By letter dated February 27, 2015, the USOR Site PRP Group notified Metro Grease of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or

threatened release of hazardous substances at the USOR Site; and offered Metro Grease the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

721. To date, Metro Grease has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

722. According to USOR Site Records, in at least November 2005, Defendant Milena Inc. doing business as Da Marco ("Milena") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 1,000 gallons of waste containing hazardous substances owned or possessed by Milena, at the USOR Site.

723. The waste generated by Milena is described on USOR Site Records as "grease" and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

724. On certain occasions, Milena arranged with transporter Consolidated Waste, LLC, doing business as Liquid Waste Solutions, to transport Milena's waste streams to the USOR Site.

725. The waste streams generated by Milena fall within the definition of "solid waste" under the TSWDA.

726. By letter dated August 25, 2015, the USOR Site PRP Group notified Milena of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Milena the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

727. To date, Milena has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

728. According to USOR Site Records, from at least December 2005 to March 2006, Defendant Miller's Café ("Miller's Café") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 2,240 gallons of waste containing hazardous substances owned or possessed by Miller's Café, at the USOR Site.

729. The waste generated by Miller's Café is described on USOR Site Records as "grease" and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

730. On certain occasions, Miller's Café arranged with transporter Consolidated Waste, LLC, doing business as Liquid Waste Solutions, to transport Miller's Café's waste streams to the USOR Site.

731. The waste streams generated by Miller's Café fall within the definition of "solid waste" under the TSWDA.

732. By letter dated September 4, 2015, the USOR Site PRP Group notified Miller's Café of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Miller's Café the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

733. To date, Miller's Café has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

734. According to USOR Site Records, in at least February 2006, Defendant Mo Better Meat Company Inc. ("Mo Better") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 450

gallons of waste containing hazardous substances owned or possessed by Mo Better, at the USOR Site.

735. The waste generated by Mo Better is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: acetone, arsenic, benzene, cadmium, chromium, dichloroethylene, lead, mercury, methyl ethyl ketone, methylene chloride, molybdenum, nickel, perchloroethylene, selenium, toluene, trichloroethane, trichloroethylene, vinyl chloride, xylenes and/or zinc.

736. On certain occasions, Mo Better arranged with transporter Public Sanitary Works, Inc. to transport Mo Better’s waste streams to the USOR Site.

737. The waste streams generated by Mo Better fall within the definition of “solid waste” under the TSWDA.

738. By letter dated September 18, 2015, the USOR Site PRP Group notified Mo Better of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Mo Better the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

739. To date, Mo Better has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

740. According to USOR Site Records, in at least February 2006, Defendant Moon Palace, Inc. (“Moon Palace”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 900 gallons of waste containing hazardous substances owned or possessed by Moon Palace, at the USOR Site.

741. The waste generated by Moon Palace is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

742. On certain occasions, Moon Palace arranged with transporter Public Sanitary Works, Inc. to transport Moon Palace’s waste streams to the USOR Site.

743. The waste streams generated by Moon Palace fall within the definition of “solid waste” under the TSWDA.

744. By letter dated September 18, 2015, the USOR Site PRP Group notified Moon Palace of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Moon Palace the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

745. To date, Moon Palace has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

746. According to USOR Site Records, from at least April 2005 to July 2008, Defendant Morco Testing (“Morco Testing”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 97,999 gallons of waste containing hazardous substances owned or possessed by Morco Testing, at the USOR Site.

747. The waste streams generated by Morco Testing are described on USOR Site Records as “oily water” and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, ethyl benzene, iron, lead,

manganese, mercury, methyl ethyl ketone, nickel, selenium, silver, toluene, trichloroethane, xylenes and/or zinc.

748. Morco Testing arranged with transporter Gulf Coast Vacuum to transport Morco Testing's waste streams to the USOR Site.

749. The waste streams generated by Morco Testing fall within the definition of "solid waste" under the TSWDA.

750. By letter dated December 5, 2013, the USOR Site PRP Group notified Morco Testing of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Morco Testing the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

751. To date, Morco Testing has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

752. Alternatively, Defendant MTI Services, LLC ("MTI Services") is the successor to Morco Testing and is responsible for the waste streams attributable to Morco Testing, as alleged in paragraph nos. 746-747 above.

753. MTI Services has continued the uninterrupted business activities of Morco Testing in the same location and retained certain employees and corporate personnel of Morco Testing.

754. By letter dated March 10, 2015, the USOR Site PRP Group notified MTI Services of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened



release of hazardous substances at the USOR Site; and offered MTI Services the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

755. To date, MTI Services has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

756. According to USOR Site Records, in at least December 2004, Defendant Morgan Oil Co. ("Morgan Oil") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 45,170 gallons of waste containing hazardous substances owned or possessed by Morgan Oil, at the USOR Site.

757. The waste streams generated by Morgan Oil are described on USOR Site Records as "oily water" and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, ethyl benzene, iron, lead, manganese, mercury, methyl ethyl ketone, nickel, selenium, silver, toluene, trichloroethane, xylenes and/or zinc.

758. On certain occasions, Morgan Oil arranged with transporter Envirovac to transport Morgan Oil's waste streams to the USOR Site.

759. The waste streams generated by Morgan Oil fall within the definition of "solid waste" under the TSWDA.

760. By letters dated December 5, 2013 and December 19, 2014, the USOR Site PRP Group notified Morgan Oil of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Morgan Oil the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

761. To date, Morgan Oil has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

762. According to USOR Site Records, in at least November 2005, Defendant New York Pizzeria, Inc. (“NY Pizzeria”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 1,140 gallons of waste containing hazardous substances owned or possessed by NY Pizzeria, at the USOR Site.

763. The waste generated by NY Pizzeria is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

764. On certain occasions, NY Pizzeria arranged with transporter Consolidated Waste, LLC, doing business as Liquid Waste Solutions, to transport NY Pizzeria’s waste streams to the USOR Site.

765. The waste streams generated by NY Pizzeria fall within the definition of “solid waste” under the TSWDA.

766. By letter dated September 18, 2015, the USOR Site PRP Group notified NY Pizzeria of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered NY Pizzeria the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

767. To date, NY Pizzeria has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

768. According to USOR Site Records, in at least January 2005, Defendant North American Marine, Inc. (“North American Marine”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 165 gallons of waste containing hazardous substances owned or possessed by North American Marine, at the USOR Site.

769. On certain occasions, North American Marine arranged with transporter Turnerco to transport North American Marine’s waste streams to the USOR Site.

770. The waste streams generated by North American Marine fall within the definition of “solid waste” under the TSWDA.

771. By letter dated November 21, 2014, the USOR Site PRP Group notified North American Marine of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered North American Marine the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

772. To date, North American Marine has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

773. According to USOR Site Records, from at least March 2005 to April 2006, Defendant North American Oil (“North American Oil”) accepted for transport to the USOR Site, which was selected by North American Oil, and/or by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or

treatment of waste owned or possessed by North American Oil, at least 80,399 gallons of waste containing hazardous substances at the USOR Site.

774. The waste streams North American Oil generated, transported and/or arranged for disposal are described on USOR Site Records as wastes including but not limited to “water oil separator [sic],” “grease trap non hazardous,” “class # 2 non haz oily H2O,” “class 2 for recycle,” “oily water for recycle,” “grit,” “tank bottoms,” “municipal” and “nonhazardous oilwater” and contained some or all of the following hazardous substances: acetone, benzene, cadmium, chromium, copper, dichlorethylene, ethyl benzene, lead, methyl ethyl ketone, methylene chloride, nickel, perchloroethylene, toluene, trichloroethane, trichloroethylene and/or zinc.

775. On certain occasions, North American Oil arranged with transporter Earthwise to transport North American Oil’s waste streams to the USOR Site.

776. On other occasions, North American Oil transported its own waste streams to the USOR Site.

777. On other occasions, North American Oil transported and/or arranged for disposal of waste streams generated by either North American Oil and/or generators Advanced Excavating, Groves Equipment, League City Sports Park and North American Oil Reclaimers.

778. The waste streams North American Oil generated, transported and/or arranged for disposal fall within the definition of “solid waste” under the TSWDA.

779. Alternatively, Defendant NAOR (“NAOR”) is responsible for the waste attributable to North American Oil in paragraph nos. 773-774 above.

780. The waste streams generated by NAOR within the definition of “solid waste” under the TSWDA.

781. To date, NAOR and North American Oil have not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

782. According to USOR Site Records, in at least March 2009, Defendant North American Packaging Corp., also known as Nampac (“North American Packaging”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 2,100 gallons of waste containing hazardous substances owned or possessed by North American Packaging, at the USOR Site.

783. The waste streams generated by North American Packaging are described on USOR Site Records as “Non-regulated material (oil / water)” and contained some or all of the following hazardous substances: acetone, chromium, copper, dichloroethylene, lead, manganese, methyl ethyl ketone, nickel, perchloroethylene, toluene, trichloroethane, trichloroethylene and/or xylenes.

784. On certain occasions, North American Packaging arranged with transporter Gulf Coast Vacuum to transport North American Packaging’s waste streams to the USOR Site.

785. The waste streams generated by North American Packaging fall within the definition of “solid waste” under the TSWDA.

786. By letters dated December 5, 2013 and September 18, 2015, the USOR Site PRP Group notified North American Packaging of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered North American Packaging the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

787. To date, North American Packaging has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

788. According to USOR Site Records, from at least April to November 2008, Defendant Oil Patch Transportation, Inc. (“Oil Patch Transportation”) accepted at least 371,342 gallons of waste containing hazardous substances for transport to the USOR Site, which was selected by Oil Patch Transportation.

789. The waste streams transported by Oil Patch Transportation were RCRA hazardous waste described on USOR Site Records as “waste corrosive liquid, acidic, inorganic, n.o.s. (fluoroslusic [sic] acid), 8, UN3264 I.”

790. The waste streams transported by Oil Patch Transportation are also described on USOR Site Records as “process water, non-hazardous, non-regulated,” “non hazardous waste water” and “tetra flouride [sic] water” and contained some or all of the following hazardous substances: acetone, arsenic, cadmium, chromium, copper, lead, mercury, methyl ethyl ketone, nickel, toluene, trichlorethane, xylenes and/or zinc.

791. The waste streams transported to the USOR Site by Oil Patch Transportation were generated by MEMC Pasadena, Inc.

792. The waste streams transported to the USOR Site by Oil Patch Transportation fall within the definition of “solid waste” under the TSWDA.

793. Additionally, Oil Patch Transportation is the successor to Gulf Coast Vacuum Service, Inc. (“Gulf Coast Vacuum”).

794. Upon information and belief, Oil Patch Transportation has continued the uninterrupted business activities of Gulf Coast Vacuum in the same location and retained certain employees and corporate personnel of Gulf Coast Vacuum.

795. According to USOR Site Records, from at least March 2004 to March 2007, Gulf Coast Vacuum accepted for transport to the USOR Site, which was selected by Gulf Coast Vacuum, and/or by contract, agreement or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment of waste owned or possessed by Gulf Coast Vacuum, at least 2,086,558 gallons of waste containing hazardous substances at the USOR Site.

796. The waste streams transported by Gulf Coast Vacuum were RCRA hazardous waste described on USOR Site Records as “RQ waste flammable liquids, N.O.S., 3, UN1993 III D001 (contains methanol).”

797. The waste streams generated by and/or transported by Gulf Coast Vacuum are also described on USOR Site Records as “non regulated oily water,” “waste water with jet fuel,” “organic” and “oil and water emulsion” and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, dichloroethylene, dichloromethane, ethyl benzene, iron, lead, manganese, mercury, methyl ethyl ketone, nickel, selenium, silver, toluene, trichloroethane, vinyl chloride, xylenes and/or zinc.

798. On certain occasions, Gulf Coast Vacuum transported its own waste streams to the USOR Site.

799. On other occasions, Gulf Coast Vacuum also accepted for transport to the USOR Site waste streams generated by Control Solutions, Inc., Valero and Vopak Terminal Galena Park Inc.

800. The waste streams generated by Gulf Coast Vacuum and/or transported to the USOR Site by Gulf Coast Vacuum fall within the definition of “solid waste” under the TSWDA.

801. By letters dated December 5, 2013 and November 2, 2015, the USOR Site PRP Group notified Oil Patch Transportation of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Gulf Coast Vacuum the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

802. To date, Oil Patch Transportation has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

803. According to USOR Site Records, in at least March 2006, Defendant Olympia Bread Concepts Corp. doing business as Stone Mill Bakers (“Olympia Bread”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 30 gallons of waste containing hazardous substances owned or possessed by Olympia Bread, at the USOR Site.

804. The waste generated by Olympia Bread is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: acetone, arsenic, benzene, cadmium, chromium, dichloroethylene, lead, mercury, methyl ethyl ketone, methylene chloride, molybdenum, nickel, perchloroethylene, selenium, toluene, trichloroethane, trichloroethylene, vinyl chloride, xylenes and/or zinc.

805. On certain occasions, Olympia Bread arranged with transporter Public Sanitary Works, Inc. to transport Olympia Bread’s waste streams to the USOR Site.



806. The waste streams generated by Olympia Bread fall within the definition of “solid waste” under the TSWDA.

807. By letter dated September 18, 2015, the USOR Site PRP Group notified Olympia Bread of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Olympia Bread the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

808. To date, Olympia Bread has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

809. According to USOR Site Records, in at least December 2005, Defendant 15700 JFK Boulevard, LLC doing business as Sheraton Houston North (“Sheraton Houston North”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 2,000 gallons of waste containing hazardous substances owned or possessed by Sheraton Houston North, at the USOR Site.

810. The waste generated by Sheraton Houston North is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

811. On certain occasions, Sheraton Houston North arranged with transporter Consolidated Waste, LLC, doing business as Liquid Waste Solutions, to transport Sheraton Houston North’s waste streams to the USOR Site.

812. The waste streams generated by Sheraton Houston North fall within the definition of “solid waste” under the TSWDA.

813. By letter dated September 25, 2015, the USOR Site PRP Group notified Sheraton Houston North of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Sheraton Houston North the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR

814. To date, Sheraton Houston North has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

815. According to USOR Site Records, from at least March 2004 to February 2007, Defendant PSC Industrial Services, LP ("PSC Industrial Services") accepted for transport to the USOR Site, which was selected by PSC Industrial Services, and/or by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 127,183 gallons of waste containing hazardous substances owned or possessed by PSC Industrial Services, at the USOR Site.

816. The waste streams generated and/or transported by PSC Industrial Services are described on USOR Site Records as "bio sludge (bugs)," "non-hazardous solid waste" and "organic" and contained some or all of the following hazardous substances: acetone, benzene, cadmium, chromium, copper, dichloroethylene, dichloromethane, ethyl benzene, lead, manganese, methyl ethyl ketone, nickel, toluene, trichloroethane, vinyl chloride, xylenes and/or zinc.

817. On certain occasions, PSC Industrial Services arranged with transporter US Oil Recovery to transport PSC Industrial Services' waste streams to the USOR Site.

818. On other occasions, PSC Industrial Services also accepted for transport to the USOR Site waste streams generated by Coastal Chemical and Control Solutions, Inc.

819. The waste streams generated by PSC Industrial Services and/or transported to the USOR Site by PSC Industrial Services fall within the definition of “solid waste” under the TSWDA.

820. To date, PSC Industrial Services has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

821. Alternatively, Defendant PSC Industrial Outsourcing, LP (“PSC Industrial Outsourcing”) is responsible for the waste streams attributable to PSC Industrial Services, as alleged in paragraph nos. 815-816 above.

822. To date, PSC Industrial Outsourcing has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

823. According to USOR Site Records, in at least October 2003, Defendant PWT Enterprises, Inc. doing business as King Kleen Car Wash (“PWT Enterprises”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 600 gallons of waste containing hazardous substances owned or possessed by PWT Enterprises, at the USOR Site.

824. The waste generated by PWT Enterprises is described on USOR Site Records as “grit” and contained some or all of the following hazardous substances: acetone, benzene, chromium, ethyl benzene, manganese, methyl ethyl ketone, nickel, toluene, trichloroethane, xylenes and/or zinc.

825. On certain occasions, PWT Enterprises arranged with transporter Defendant Affordable Environmental Service LLC to transport PWT Enterprises' waste streams to the USOR Site.

826. The waste streams generated by PWT Enterprises fall within the definition of "solid waste" under the TSWDA.

827. By letter dated October 30, 2015, the USOR Site PRP Group notified PWT Enterprises of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered PWT Enterprises the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

828. To date, PWT Enterprises has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

829. According to USOR Site Records, in at least February 2010, Defendant Patty Oil Service ("Patty Oil") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 1,000 gallons of waste containing hazardous substances owned or possessed by Patty Oil, at the USOR Site.

830. The waste streams generated by and/or transported by Patty Oil are described on USOR Site Records as "Non hazardous/oil water" and contained some or all of the following hazardous substances: acetone, benzene, chromium, ethyl benzene, manganese, methyl ethyl ketone, nickel, toluene, trichloroethane, xylenes and/or zinc.

831. On certain occasions, Patty Oil transported its own waste streams to the USOR Site.

832. The waste streams generated by Patty Oil and/or transported to the USOR Site by Patty Oil fall within the definition of “solid waste” under the TSWDA.

833. By letters dated December 5, 2013 and November 21, 2014, the USOR Site PRP Group notified Patty Oil of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Patty Oil the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

834. To date, Patty Oil has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

835. According to USOR Site Records, from at least January 2005 to January 2006, Defendant Pearland Independent School District (“Pearland ISD”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 78,600 gallons of waste containing hazardous substances owned or possessed by Pearland ISD, at the USOR Site.

836. The waste generated by Pearland ISD is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

837. On certain occasions, Pearland ISD arranged with transporter A-Affordable Vacuum to transport Pearland ISD’s waste streams to the USOR Site.

838. The waste streams generated by Pearland ISD fall within the definition of “solid waste” under the TSWDA.

839. By letter dated August 14, 2015, the USOR Site PRP Group notified Pearland ISD of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Pearland ISD the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

840. To date, Pearland ISD has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

841. According to USOR Site Records, from at least January 2006 to February 2006, Defendant Peifon Food USA, Inc. doing business as Southern Noodle Company, Inc. ("Peifon Food") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 2,550 gallons of waste containing hazardous substances owned or possessed by Peifon Food, at the USOR Site.

842. The waste generated by Peifon Food is described on USOR Site Records as "grease" and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

843. On certain occasions, Peifon Food arranged with transporter A-Affordable Vacuum Service to transport Peifon Food's waste streams to the USOR Site.

844. The waste streams generated by Peifon Food fall within the definition of "solid waste" under the TSWDA.

845. By letter dated September 18, 2015, the USOR Site PRP Group notified Peifon Food of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or

threatened release of hazardous substances at the USOR Site; and offered Peifon Food the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

846. To date, Peifon Food has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

847. According to USOR Site Records, in at least November 2004, Defendant Philip Reclamation Services, Houston, LLC ("Philip Reclamation") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 6,061 gallons of waste containing hazardous substances owned or possessed by Philip Reclamation, at the USOR Site.

848. On certain occasions, Philip Reclamation transported its own waste streams to the USOR Site.

849. The waste streams generated by Philip Reclamation and/or transported to the USOR Site by Philip Reclamation fall within the definition of "solid waste" under the TSWDA.

850. By letters dated December 5, 2013 and December 12, 2014, the USOR Site PRP Group notified Philip Reclamation of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Philip Reclamation the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

851. To date, Philip Reclamation has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

852. According to USOR Site Records, from at least November 2004 to October 2008, Defendant Phoenix Pollution Control & Environmental Services, Inc. (“Phoenix Pollution Control”) accepted for transport to the USOR Site, which was selected by Phoenix Pollution Control, and/or by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment of at least 279,562 gallons of waste containing hazardous substances owned or possessed by Phoenix Pollution Control, at the USOR Site.

853. The waste streams Phoenix Pollution Control generated, transported, and/or arranged for disposal were RCRA hazardous waste described on USOR Site Records as “Flammable liquid NOS (methylethyl [sic] ketone, toluene [sic], other) 3, UN1993, PGI.”

854. The waste streams Phoenix Pollution Control generated, transported, and/or arranged for disposal are also described on USOR Site records as wastes including but not limited to “water with concrete dust,” “paint waste,” “oily waste water,” “flammable liquid,” “oily sludge” and “hydrocarbon contaminated water” and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, dichlorobenzene, ethyl benzene, iron, lead, manganese, mercury, methylene chloride, methyl ethyl ketone, nickel, selenium, silver, toluene, trichloroethane, trichloroethylene, xylenes and/or zinc.

855. The waste streams Phoenix Pollution Control arranged for disposal at the USOR site were generated by generators including but not limited to Apache Services, Inc., Defendant Greenhunter Biofuels, Inc., Houston Marine Services, Inc., Kwik Kar, Lighthouse Petroleum Testing & Inspection, Defendant Milstead Environmental, LLC and Ruff Corp.



856. The waste streams arranged for disposal at the USOR Site by Phoenix Pollution Control fall within the definition of “solid waste” under the TSWDA.

857. By letter dated December 5, 2013, the USOR Site PRP Group notified Phoenix Pollution Control of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Phoenix Pollution Control the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

858. To date, Phoenix Pollution Control has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

859. According to USOR Site Records, in at least December 2005, Defendant Pho’s Investment Inc. doing business as Chinese Wok (“Chinese Wok”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 500 gallons of waste containing hazardous substances owned or possessed by Chinese Wok, at the USOR Site.

860. The waste generated by Chinese Wok is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

861. On certain occasions, Chinese Wok arranged with transporter Defendant Southern Discount Vacuum Service to transport Chinese Wok’s waste streams to the USOR Site.

862. The waste streams generated by Chinese Wok fall within the definition of “solid waste” under the TSWDA.

863. By letter dated September 4, 2015, the USOR Site PRP Group notified Chinese Wok of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Chinese Wok the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

864. To date, Chinese Wok has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

865. According to USOR Site Records, from at least February to November 2004, Defendant Polymer Chemistry Innovations, Inc. ("Polymer Chemistry") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 145,660 gallons of waste containing hazardous substances owned or possessed by Polymer Chemistry, at the USOR Site.

866. The waste streams generated by Polymer Chemistry are described on USOR Site Records as "aqueous waste with low other toxic organics (process water tank-6)," "aqueous waste with low other toxic organics (storm water runoff)," "organic," "TK6 nonhazardous process water" and "process pump pit storm water runoff" and contained some or all of the following hazardous substances: acetone, cadmium, chromium, copper, dichloroethylene, dichloromethane, lead, manganese, methyl ethyl ketone, toluene, trichloroethane, vinyl chloride, xylenes and/or zinc.

867. On certain occasions, Polymer Chemistry arranged with transporter Gulf Coast Vacuum Service, Inc. and Defendant SWS Environmental Services to transport Polymer Chemistry's waste streams to the USOR Site.

868. The waste streams generated by Polymer Chemistry fall within the definition of “solid waste” under the TSWDA.

869. By letter dated December 5, 2013, the USOR Site PRP Group notified Polymer Chemistry of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Polymer Chemistry the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

870. To date, Polymer Chemistry has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

871. According to USOR Site Records, in at least January 2006, Defendant Poom Thai, Inc. doing business as Nit Noi Restaurant (“Poom Thai”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 3,500 gallons of waste containing hazardous substances owned or possessed by Poom Thai, at the USOR Site.

872. The waste generated by Poom Thai is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

873. On certain occasions, Poom Thai arranged with transporter A-Affordable Vacuum Service to transport Poom Thai’s waste streams to the USOR Site.

874. The waste streams generated by Poom Thai fall within the definition of “solid waste” under the TSWDA.

875. By letter dated September 4, 2015, the USOR Site PRP Group notified Poom Thai of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Poom Thai the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

876. To date, Poom Thai has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

877. According to USOR Site Records, in at least December 2005, Defendant Premier Cash Inc. doing business as Just Oxtails Soul Food and Forty Weight Gravy ("Premier Cash") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 750 gallons of waste containing hazardous substances owned or possessed by Premier Cash, at the USOR Site.

878. The waste generated by Premier Cash is described on USOR Site Records as "grease" and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

879. On certain occasions, Premier Cash arranged with transporter Consolidated Waste, LLC, doing business as Liquid Waste Solutions, to transport Premier Cash's waste streams to the USOR Site.

880. The waste streams generated by Premier Cash fall within the definition of "solid waste" under the TSWDA.

881. By letter dated September 4, 2015, the USOR Site PRP Group notified Premier Cash of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or

threatened release of hazardous substances at the USOR Site; and offered Premier Cash the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

882. To date, Premier Cash has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

883. According to USOR Site Records, from at least February 2006 to March 2006, Defendant Prince's Hamburgers ("Prince's Hamburgers") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 4,580 gallons of waste containing hazardous substances owned or possessed by Prince's Hamburgers, at the USOR Site.

884. The waste generated by Prince's Hamburgers is described on USOR Site Records as "grease" and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

885. On certain occasions, Prince's Hamburgers arranged with transporter Public Sanitary Works, Inc. to transport Prince Hamburgers' waste streams to the USOR Site.

886. The waste streams generated by Prince's Hamburgers fall within the definition of "solid waste" under the TSWDA.

887. By letter dated September 18, 2015, the USOR Site PRP Group notified Prince's Hamburgers of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Prince's Hamburgers the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

888. To date, Prince's Hamburgers has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

889. According to USOR Site Records, in at least January 2006, Defendant R.I.J. Industries Inc. doing business as Port Café ("RIJ Industries") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 1,500 gallons of waste containing hazardous substances owned or possessed by RIJ Industries, at the USOR Site.

890. The waste generated by RIJ Industries is described on USOR Site Records as "grease" and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

891. On certain occasions, RIJ Industries arranged with transporter Consolidated Waste, LLC, doing business as Liquid Waste Solutions, to transport RIJ Industries' waste streams to the USOR Site.

892. The waste streams generated by RIJ Industries fall within the definition of "solid waste" under the TSWDA.

893. By letter dated September 18, 2015, the USOR Site PRP Group notified RIJ Industries of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered RIJ Industries the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

894. To date, RIJ Industries has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

895. Defendant Regio Vacuum Service, Inc. (“Regio Vacuum”) is also known as El Regio Vacuum Service (“El Regio Vacuum”).

896. According to USOR Site Records, from at least July 2004 to June 2006, El Regio Vacuum accepted at least 134,830 gallons of waste containing hazardous substances for transport to the USOR Site, which was selected by El Regio Vacuum.

897. The waste streams transported by El Regio Vacuum are described on USOR Site Records as “other aqueous waste or wastewater (scrubber water),” “AQ waste with low dissolved solids (water contaminated with spilled resin),” “very dilute aqueous waste containing more than 99 percent water,” “caustic aqueous waste without cyanides (wesp) blowdown water,” “non hazardous, non regulated boiler water,” “other organic liquid (wax tank cleanup water),” “other aqueous waste with low dissolved solids (aqueous waste stream),” “oil and water emulsion,” “other organic liquid (MDI tank cleanup water)” and “waste oil” and contained some or all of the following hazardous substances: acetone, benzene, chromium, copper, dichloroethylene, lead, ethyl benzene, manganese, methyl ethyl ketone, nickel, toluene, trichloroethane, xylenes and/or zinc.

898. The waste streams El Regio Vacuum transported to the USOR Site were generated by Borden Chemical, Breco International, Champion Technologies, Citgas Car Wash, Farouk Systems, GE Batz, General Dynamics Mfg., Hexion Specialty Chemicals, Johnson Interest, Louisiana-Pacific Corporation, Pipeline Realty, Southwest Shipyard – Brady Island, Superior Packaging and Distribution, and Texas Barge and Boat.

899. The waste streams transported to the USOR Site by El Regio Vacuum fall within the definition of “solid waste” under the TSWDA.

900. By letters dated December 5, 2013 and September 4, 2015, the USOR Site PRP Group notified El Regio Vacuum and Regio Vacuum, respectively, of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered El Regio Vacuum and Regio Vacuum the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

901. To date, Regio Vacuum has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

902. Defendant Rescar Companies, Inc. ("Rescar Companies") is formerly known as Rescar Industries, Inc. ("Rescar"). Pursuant to a Certificate of Amendment to Rescar's Articles of Incorporation filed on December 27, 2010 with Secretary of the State of Nevada, Rescar's name was amended to Rescar Companies.

903. According to USOR Site Records, from at least January to December 2005, Rescar by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 1,669,035 gallons of waste containing hazardous substances owned or possessed by Rescar, at the USOR Site.

904. The waste streams generated by Rescar are described on USOR Site Records as "non-RCRA non DOT regulated rinse water," "railcar rinse water," "storm water," "oily water," "rinse water w/ low organics," "non dot regulated material, 27-37712 non hazardous waste water, 196929," "non-regulated waste (rinse water, low organic)," "water+ oil mixed," "oil mixed with water," "copper naphthenate & rinsate [sic]," "tank sludge," "railcar rinse water les# 195998" and contained some or all of the following hazardous substances: acetone, arsenic,



barium, benzene, cadmium, chromium, copper, ethyl benzene, iron, lead, manganese, mercury, methyl ethyl ketone, nickel, selenium, silver, toluene, trichloroethane, xylenes and/or zinc.

905. On certain occasions, Rescar arranged with transporters Bayou City Waste Systems, Defendant Bayou City Environmental Services, LP, and Eagle Construction and Environmental Services LP to transport Rescar's waste streams to the USOR Site.

906. The waste streams generated by Rescar and/or transported to the USOR Site by Rescar fall within the definition of "solid waste" under the TSWDA.

907. By letter dated December 5, 2013, the USOR Site PRP Group notified Rescar of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Rescar the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

908. To date, Rescar Companies has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

909. According to USOR Site Records, in at least March 2006, Defendant Rioverde Taqueria Y Restaurante ("Rioverde Taqueria") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 1,300 gallons of waste containing hazardous substances owned or possessed by Rioverde Taqueria, at the USOR Site.

910. The waste generated by Rioverde Taqueria is described on USOR Site Records as "grease" and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

911. On certain occasions, Rioverde Taqueria arranged with transporter Consolidated Waste, LLC, doing business as Liquid Waste Solutions, to transport Rioverde Taqueria's waste streams to the USOR Site.

912. The waste streams generated by Rioverde Taqueria fall within the definition of "solid waste" under the TSWDA.

913. By letter dated September 18, 2015, the USOR Site PRP Group notified Rioverde Taqueria of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Rioverde Taqueria the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

914. To date, Rioverde Taqueria has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

915. According to USOR Site Records, from at least January 2006 to February 2006, Defendant Ruman Adem, Inc. doing business as Pan Du Jour ("Ruman Adem") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 60 gallons of waste containing hazardous substances owned or possessed by Ruman Adem, at the USOR Site.

916. The waste generated by Ruman Adem is described on USOR Site Records "grease" and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

917. On certain occasions, Ruman Adem arranged with transporter A-Affordable Vacuum Service to transport Ruman Adem's waste streams to the USOR Site.

918. The waste streams generated by Ruman Adem fall within the definition of “solid waste” under the TSWDA.

919. By letter dated September 4, 2015, the USOR Site PRP Group notified Ruman Adem of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Ruman Adem the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

920. To date, Ruman Adem has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

921. According to USOR Site Records, from at least July 2004 to March 2006, Defendant S&K Petroleum Transportation, Inc. (“S&K Petroleum”) accepted for transport to the USOR Site, which was selected by S&K Petroleum, and/or by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment of waste owned or possessed by S&K Petroleum, at least 321,861 gallons of waste containing hazardous substances at the USOR Site.

922. The waste streams S&K Petroleum generated and/or transported are described on USOR Site Records as “oily water,” “organic,” “oil,” and “oily” and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, dichloroethylene, dichloromethane, ethyl benzene, iron, lead, manganese, mercury, methyl ethyl ketone, nickel, selenium, silver, toluene, trichloroethane, vinyl chloride, xylenes and/or zinc.

923. The waste streams S&K Petroleum transported to the USOR Site were generated by Cedar Processing, Enviro Solutions and High Island Petrochemical.

924. The waste streams transported to the USOR Site by S&K Petroleum fall within the definition of “solid waste” under the TSWDA.

925. By letters dated December 5, 2013 and September 18, 2015, the USOR Site PRP Group notified S&K Petroleum of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered S&K Petroleum the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

926. S&K Petroleum has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

927. According to USOR Site Records, from at least October 2003 to May 2004 Defendant S. Holcomb Enterprises, Inc. doing business as Holcomb Oil Recycling (“Holcomb Oil”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment of waste owned or possessed by Holcomb Oil, at least 136,795 gallons of waste containing hazardous substances owned or possessed by Holcomb Oil, at the USOR Site.

928. The waste streams generated by and/or transported by Holcomb Oil are described on USOR Site Records as “oily water,” “oil” and “organic” and “recyclable” and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, dichloroethylene, dichloromethane, ethyl benzene, iron, lead, manganese, mercury, methyl ethyl ketone, nickel, selenium, silver, toluene, trichloroethane, vinyl chloride, xylenes and/or zinc.

929. On certain occasions, Holcomb Oil transported its own waste streams to the USOR Site.

930. The waste streams generated by Holcomb Oil and/or transported to the USOR Site by Holcomb Oil fall within the definition of “solid waste” under the TSWDA.

931. By letter dated December 5, 2013, the USOR Site PRP Group notified Holcomb Oil of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Holcomb Oil the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

932. To date, Holcomb Oil has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

933. According to USOR Site Records, in at least October 2005, Defendant Safari Restaurant (“Safari Restaurant”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 1,000 gallons of waste containing hazardous substances owned or possessed by Safari Restaurant, at the USOR Site.

934. The waste generated by Safari Restaurant is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

935. On certain occasions, Safari Restaurant arranged with transporter Unique Sanitation to transport Safari Restaurant’s waste streams to the USOR Site.

936. The waste streams generated by Safari Restaurant fall within the definition of “solid waste” under the TSWDA.

937. By letter dated September 18, 2015, the USOR Site PRP Group notified Safari Restaurant of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Safari Restaurant the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

938. To date, Safari Restaurant has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

939. Defendant SavaSeniorCare, LLC ("SavaSeniorCare") is the owner and/or operator of Northwest Health and Rehabilitation Center ("Northwest Health").

940. According to USOR Site Records, in at least February 2006, Northwest Health by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 30 gallons of waste containing hazardous substances owned or possessed by Northwest Health, at the USOR Site.

941. The waste generated by Northwest Health is described on USOR Site Records as "grease" and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

942. On certain occasions, Northwest Health arranged with transporter A-Affordable Vacuum Service to transport Northwest Health's waste streams to the USOR Site.

943. The waste streams generated by Northwest Health fall within the definition of "solid waste" under the TSWDA.

944. Additionally, SavaSeniorCare is the owner and/or operator of Westchase Health and Rehabilitation Center ("Westchase Health").

945. Upon information and belief, Westchase Health is formerly known as Mariner Health of Southwest Houston (“Mariner Health”).

946. According to USOR Site Records, in at least February 2006, Mariner Health by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 300 gallons of waste containing hazardous substances owned or possessed by Mariner Health, at the USOR Site.

947. The waste generated by Mariner Health is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

948. On certain occasions, Mariner Health arranged with transporter Public Sanitary Works, Inc. to transport Mariner Health’s waste streams to the USOR Site.

949. The waste streams generated by Mariner Health fall within the definition of “solid waste” under the TSWDA.

950. Additionally, SavaSeniorCare is the owner and/or operator of Faith Memorial Nursing Home (“Faith Memorial”).

951. According to USOR Site Records, from at least January 2006 to March 2006, Faith Memorial by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 60 gallons of waste containing hazardous substances owned or possessed by Faith Memorial, at the USOR Site.

952. The waste generated by Faith Memorial is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

953. On certain occasions, Faith Memorial arranged with transporter Public Sanitary Works, Inc. to transport Faith Memorial's waste streams to the USOR Site.

954. The waste streams generated by Faith Memorial fall within the definition of "solid waste" under the TSWDA.

955. Additionally, SavaSeniorCare is the owner and/or operator of Southfield Healthcare Center ("Southfield Health").

956. According to USOR Site Records, in at least January 2006 to March 2006, Southfield Health by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 750 gallons of waste containing hazardous substances owned or possessed by Southfield Health, at the USOR Site.

957. The waste generated by Southfield Health is described on USOR Site Records as "grease" and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium, and/or zinc.

958. On certain occasions, Southfield Health arranged with transporter Public Sanitary Works, Inc. to transport Southfield Health's waste streams to the USOR Site.

959. The waste streams generated by Southfield Health fall within the definition of "solid waste" under the TSWDA.

960. Additionally, SavaSeniorCare is the owner and/or operator of Pasadena Care Center ("Pasadena Care").

961. According to USOR Site Records, in at least February 2006, Pasadena Care by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 750 gallons of waste containing hazardous substances owned or possessed by Pasadena Care, at the USOR Site.



962. The waste generated by Pasadena Care is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium, and/or zinc.

963. On certain occasions, Pasadena Care arranged with transporter Public Sanitary Works, Inc. to transport Pasadena Care’s waste streams to the USOR Site.

964. The waste streams generated by Pasadena Care fall within the definition of “solid waste” under the TSWDA.

965. Additionally, SavaSeniorCare is the owner and/or operator of Galleria Residence and Rehabilitation Center (“Galleria Center”).

966. Upon information or belief, Galleria Center is formerly known as Stoneybrook Residence and Rehabilitation Center and/or Stoneybrook Healthcare Center (collectively “Stoneybrook Center”).

967. According to USOR Site Records, in at least March 2006, Stoneybrook Center by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 500 gallons of waste containing hazardous substances owned or possessed by Stoneybrook Center, at the USOR Site.

968. The waste generated by Stoneybrook Center is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

969. On certain occasions, Stoneybrook Center arranged with transporter Public Sanitary Works, Inc. to transport Stoneybrook Center’s waste streams to the USOR Site.

970. The waste streams generated by Stoneybrook Center fall within the definition of “solid waste” under the TSWDA.

971. By letter dated October 2, 2015, the USOR Site PRP Group notified SavaSeniorCare of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered SavaSeniorCare the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

972. To date, SavaSeniorCare has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

973. According to USOR Site Records, from at least March 2005 to March 2006, Defendant Schultz Bros., Inc. ("Schultz Bros.") accepted at least 834,858 gallons of waste containing hazardous substances for transport to the USOR Site, which was selected by Schultz Bros.

974. The waste streams transported by Schultz Bros. are described on USOR Site Records as "organic" and "oily water" and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, dichloroethylene, dichloromethane, ethyl benzene, iron, lead, manganese, mercury, methyl ethyl ketone, nickel, selenium, silver, toluene, trichloroethane, vinyl chloride, xylenes and/or zinc.

975. The waste streams Schultz Bros. transported to the USOR Site were generated by Fort Bend County Landfill and R&M Energy.

976. The waste streams transported to the USOR Site by Schultz Bros. fall within the definition of "solid waste" under the TSWDA.

977. To date, Schultz Bros. has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

978. According to USOR Site Records, from at least November 2005 to March 2006, Defendant Seafood Corner (“Seafood Corner”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 150 gallons of waste containing hazardous substances owned or possessed by Seafood Corner, at the USOR Site.

979. The waste generated by Seafood Corner is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

980. On certain occasions, Seafood Corner arranged with transporter Consolidated Waste, LLC, doing business as Liquid Waste Solutions, to transport Seafood Corner’s waste streams to the USOR Site.

981. The waste streams generated by Seafood Corner fall within the definition of “solid waste” under the TSWDA.

982. By letter dated September 18, 2015, the USOR Site PRP Group notified Seafood Corner of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Seafood Corner the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

983. To date, Seafood Corner has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

984. According to USOR Site Records, in at least June 2006, Defendant Semasys, Inc. (“Semasys”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or

arranged with a transporter for transport for disposal or treatment, at least 3,000 gallons of waste containing hazardous substances owned or possessed by Semasys, at the USOR Site.

985. The waste streams generated by Semasys are described on USOR Site Records as “non-RCRA, non-hazardous, non DOT regulated waste water” and contained some or all of the following hazardous substances: acetone, arsenic, barium, cadmium, chromium, copper, dichloroethylene, lead, manganese, mercury, methyl ethyl ketone, nickel, perchloroethylene ,toluene, trichloroethane, trichloroethylene, xylenes and/or zinc.

986. On certain occasions, Semasys arranged with transporter CES Environmental Services, Inc. to transport Semasys’ waste streams to the USOR Site.

987. The waste streams generated by Semasys fall within the definition of “solid waste” under the TSWDA.

988. By letters dated December 5, 2013 and December 12, 2014, the USOR Site PRP Group notified Semasys of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Semasys the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

989. To date, Semasys has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

990. According to USOR Site Records, from at least October to November 2004, Defendant Shawcor Pipe Protection, LLC (“Shawcor Pipe”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or

treatment, at least 25,000 gallons of waste containing hazardous substances owned or possessed by Shawcor Pipe, at the USOR Site.

991. The waste streams generated by Shawcor Pipe are described on USOR Site Records as “non hazardous, non regulated waste water” and contained some or all of the following hazardous substances: acetone, arsenic, benzene, cadmium, chromium, copper, ethyl benzene, lead, manganese, mercury, methyl ethyl ketone, nickel, toluene, trichloroethane, xylenes and/or zinc.

992. On certain occasions, Shawcor Pipe arranged with transporter Gator Environmental to transport Shawcor Pipe’s waste streams to the USOR Site.

993. The waste streams generated by Shawcor Pipe fall within the definition of “solid waste” under the TSWDA.

994. By letters dated December 5, 2013 and December 19, 2014, the USOR Site PRP Group notified Shawcor Pipe of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Shawcor Pipe the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

995. To date, Shawcor Pipe has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

996. According to USOR Site Records, in at least August 2004, Defendant Sheldon Independent School District (“Sheldon ISD”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at

least 7,020 gallons of waste containing hazardous substances owned or possessed by Sheldon ISD, at the USOR Site.

997. The waste generated by Sheldon ISD is described on USOR Site Records as “non hazardous non regulated material” and “oily water” and contained some or all of the following hazardous substances: acetone, arsenic, asbestos, barium, benzene, benzo(a)anthracene, benzo(a)pyrene, cadmium, chromium, cobalt, copper, cresol, dichlorobenzene, dichloroethylene, ethyl benzene, iron, lead, manganese, mercury, methylene chloride, methyl ethyl ketone, molybdenum, nickel, perchloroethylene, phenanthrene, selenium, silver, tin, toluene, trichloroethane, trichloroethylene, vinyl chloride, xylenes and/or zinc.

998. On certain occasions, Sheldon ISD arranged with transporters Flan Ex Transportation and Defendant Specialized Maintenance Services, Inc. to transport Sheldon ISD’s waste streams to the USOR Site.

999. The waste streams Sheldon ISD generated, transported to and/or arranged for disposal at the USOR Site fall within the definition of “solid waste” under the TSWDA.

1000. Sheldon ISD entered into a series of tolling agreements with the USOR PRP Group, which tolled all applicable statutes of limitation from August 1, 2014 through the date of the Second Amended Complaint.

1001. To date, Sheldon ISD has refused to cooperate with the USOR Site PRP Group and has not paid its equitable share of response costs incurred by the USOR Site PRP Group at the USOR Site.

1002. According to USOR Site Records, in at least December 2005, Defendant Shyama Enterprises, Inc. doing business as Flagship Auto/Truck Stop (“Shyama Enterprises”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a

transporter for transport for disposal or treatment, at least 750 gallons of waste containing hazardous substances owned or possessed by Shyama Enterprises, at the USOR Site.

1003. The waste generated by Shyama Enterprises is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

1004. On certain occasions, Shyama Enterprises arranged with transporter A-Affordable Vacuum Service to transport Shyama Enterprises’ waste streams to the USOR Site.

1005. The waste streams generated by Shyama Enterprises fall within the definition of “solid waste” under the TSWDA.

1006. By letter dated September 25, 2015, the USOR Site PRP Group notified Shyama Enterprises of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Shyama Enterprises the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

1007. To date, Shyama Enterprises has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1008. According to USOR Site Records, in at least April 2005, Defendant South Beach Pools, LLC (“South Beach Pools”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 800 gallons of waste containing hazardous substances owned or possessed by South Beach Pools, at the USOR Site.

1009. The waste streams generated by South Beach Pools fall within the definition of “solid waste” under TSWDA.

1010. By letter dated September 18, 2015, the USOR Site PRP Group notified South Beach Pools of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered South Beach Pools the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

1011. To date, South Beach Pools has refused to cooperate with the USOR Site PRP Group and not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1012. According to USOR Site Records, from at least October 2003 to March 2006, Defendant Southern Discount Vacuum Service (“Southern Discount Vacuum”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment of waste owned or possessed by Southern Discount Vacuum, at least 139,170 gallons of waste containing hazardous substances owned or possessed by Southern Discount, at the USOR Site.

1013. The waste streams Southern Discount Vacuum generated, transported and/or arranged for disposal are described on USOR Site Records as “disposal grit,” “grit,” “grease,” “grease trap,” “grit trap” and “lint” and contained some or all of the following hazardous substances: acetone, arsenic, benzene, cadmium, chromium, copper, ethyl benzene, lead, manganese, mercury, methyl ethyl ketone, molybdenum, nickel, selenium, toluene, trichloroethane, xylenes and/or zinc.

1014. On certain occasions, Southern Discount Vacuum transported its own waste streams to the USOR Site.



1015. On other occasions, Southern Discount Vacuum transported and/or arranged for disposal of waste streams generated by either Southern Discount Vacuum and/or 4 Corners BBQ, Antoin's Grill, Arby's, Big Daddy's BBQ, Defendant Char Burger, China Ko, China Wk, Cilintion, Cougar, Defendant Donut Time, East Star Buffet, Defendant El Imperial Mexican Restaurant, Famous BBQ, Gabachos, Gorditas, H & J Meat Market, IHOP, Ideal of Houston, Jeff Haas Masda, La Parmigiana, La Tarraza Mer, Los Rosas, Marcos, Meat Mkt, Mi Tierra, Ms Walker, Peggys Supermarket, Pho King, Pollo, Richards Cajun, Sam's Boat, Sister's Corner Café, Steamboat, Steamboat Bill's, Inc., Summart, Taqueria, Teldopan, Teloloapan Meat Markets, Inc., Texas Cajun and Wings and Things.

1016. The waste streams Southern Discount Vacuum generated, transported to and/or arranged for disposal at the USOR Site fall within the definition of "solid waste" under the TSWDA.

1017. By letter dated December 5, 2013, the USOR Site PRP Group notified Southern Discount of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Southern Discount the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

1018. To date, Southern Discount has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1019. Defendant SouthWaste Disposal, LLC ("SouthWaste Disposal") is the successor to EarthAmerica, LLC ("Earth America").

1020. In or about 2007, SouthWaste Disposal acquired Earth America.

1021. According to USOR Site Records, from at least October 2003 to March 2006, Earth America accepted for transport to the USOR Site, which was selected by Earth America, and/or by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment of waste owned or possessed by Earth America, at least 1,214,177 gallons of waste containing hazardous substances at the USOR Site.

1022. The waste streams Earth America generated, transported and/or arranged for disposal are described on USOR Site Records as “oil,” “oily water,” “grease,” “grit,” “grease trap,” “grit trap,” “lint,” “lint trap” and “organic” and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, ethyl benzene, iron, lead, manganese, mercury, methyl ethyl ketone, nickel, selenium, silver, toluene, trichloroethane, xylenes and/or zinc.

1023. On certain occasions, Earth America transported its own waste streams to the USOR Site.

1024. On other occasions, Earth America accepted for transportation to the USOR Site waste streams generated by Aramco, Barbours, Baywood Country, Bei Jing, BJ Brewerhouse, Burke Rd Childrens, Chick-Fil-A, Chilis, Chuys, City of Conroe, Colonial House, Gulf Greyhound Park, Gulf Health, Harris County Jail, Hilton Town App, Houston Women’s Area Center, Jason’s Deli, Johnny Corinos, Kinred, Kirby’s Steakhouse, Laundry Vida, McDonalds, Mexico Lindo, Monument Inn, Nations Rent, Olive Garden, Ostinoneria Vallarta, Panera Bread, Pointe, Red Lobster, Resnrrection [sic], Ruch’s, Ryan’s, Salvation Army, Sambuca, Silverado, Sonic, Souper Salad, St. John’s, Strack Farms, TGI Friday’s, U of H, Universal Maritime Services, UTMB, Wal-Mart Stores, Inc., Wendy’s Car Wash, LLC and Wild Wings.

1025. The waste streams generated by Earth America and/or accepted for transport to the USOR Site by Earth America falls within the definition of “solid waste” under the TSWDA.

1026. By letters dated December 5, 2013 and April 24, 2015, the USOR Site PRP Group notified Earth America and SouthWaste Disposal, respectively, of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Earth America the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

1027. To date, SouthWaste Disposal has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1028. According to USOR Site Records, from at least December 2004 to February 2007, Defendant Specialized Maintenance Services, Inc. (“Specialized Maintenance”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment of waste owned or possessed by Specialized Maintenance, at least 300,170 gallons of waste containing hazardous substances owned or possessed by Specialized Maintenance, at the USOR Site.

1029. The waste streams Specialized Maintenance generated, transported and/or arranged for disposal are described on USOR Site Records as “wash water,” “neutralized sulfmaic [sic] acid,” “sludge and water,” “oil and water,” “sand from elevator recyclable oil,” “oil,” “water,” “recyclable oil,” “hydraulic oil,” “mill sand,” “oily,” “organic,” “municipal,” “drilling mud,” “non-RCRA non-hazardous wastewater,” “non-DOT regulated material (solid oilfield chemicals)” and “oily water sump sludge” and contained some or all of the following

hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, dichloroethylene, dichloromethane, ethyl benzene, iron, lead, manganese, mercury, methyl ethyl ketone, nickel, toluene, trichloroethane, trichloroethylene, vinyl chloride, xylenes and/or zinc.

1030. On certain occasions, Specialized Maintenance transported its own waste streams to the USOR Site.

1031. On other occasions, Specialized Maintenance transported and/or arranged for disposal of waste streams generated by either Specialized Maintenance and/or Advent Group Corp., Bank One, Boxer Property Management Corp., CE King High School, Commodore Hotel, Doctor Center, El Paso Field Services, First National Bank, Forged Components, Freeport Police Station, Garlock Metallic, Gerday Ameristeel, Defendant Grand Parkway Doctor Center, The Houston Housing Authority, Jacob's Engineering, Kennedy Wilson, Kirby Place Apartments, Kone Elevator, Lamarque High School, Latipac Commercial, Inc., Lord & Taylor, Lodge at Walden, Macgregor Apartments, Metro Bank, Motel 6, North Brook High School, North Star Steel, Park IV Apartments, Parkwood, SBC, Schlumberger, St. Elizabeth Hospital, St. Luke's, St. Thomas University, Sterling Bank, Teadit, Terrace @ Willowbrook, Defendant Texas Couplings, L.P., Texas Department of Transportation, Texas Medical Center, Texas Southern University, Thyssen Krupp, Triple Met Properties, University of Houston, Verizon Wireless and YWCA.

1032. The waste streams Specialized Maintenance generated, transported to and/or arranged for disposal at the USOR Site fall within the definition of "solid waste" under the TSWDA

1033. By letters dated December 5, 2013 and April 24, 2015, the USOR Site PRP Group notified Specialized Maintenance of the existence of the release or threatened release of

hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Specialized Maintenance the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

1034. To date, Specialized Maintenance has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1035. According to USOR Site Records, from at least September 2006 to December 2007, Defendant Specialized Waste Systems, Inc. ("Specialized Waste") accepted at least 434,933 gallons of waste containing hazardous substances for transport to the USOR Site, which was selected by Specialized Waste.

1036. The waste streams transported by Specialized Waste are described on USOR Site Records as "non-hazardous non-DOT regulated (non hazardous waste water)," "non hazardous, non regulated material (waste water, class I)," "non hazardous non RCRA (oily water)," "non hazardous non RCRA (oily sump sludge)" and "process waste water" and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, ethyl benzene, iron, lead, manganese, mercury, methyl ethyl ketone, nickel, selenium, silver, toluene, trichloroethane, xylenes and/or zinc.

1037. The waste streams transported by Specialized Waste were also RCRA hazardous waste described on USOR Site Records as "RQ hazardous waste, liquid, nos (contains benzene) 9 NA3082, PG III," "RQ hazardous waste flammable liquids N.O.S. 3, UN 1993 PG II (isoparaf [sic], aromatic, naphthene) DOO1" and "waste flammable liquid, NOS, 3, UN1993, PG II (isopropanol, aromatic, naphtha)."

1038. The waste streams Specialized Waste transported to the USOR Site were generated by Air Products and Chemicals, Champion Technologies, Delta Tubular, Grant Prideco, Intra-Services Inc., Metton America Inc., Nucor Vulcraft Group, Oneok Hydrocarbon SW, LLC, Texas Industrial Box Maintenance and Tri-Star Protector Services Co.

1039. The waste streams transported to the USOR Site by Specialized Waste fall within the definition of “solid waste” under the TSWDA.

1040. To date, Specialized Waste has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1041. According to USOR Site Records, in at least March 2008, Defendant Specialty Metal Finishing, Inc. (“Specialty Metal”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 540 gallons of waste containing hazardous substances owned or possessed by Specialty Metal, at the USOR Site.

1042. The waste streams generated by Specialty Metal were RCRA hazardous waste described on USOR Site Records as “waste corrosive liquid, acidic, inorganic, n.o.s. 8, UN3264, PGIII (sulfuric acid).”

1043. Specialty Metal arranged with transporter Defendant Top Notch Transportation, Inc. to transport Specialty Metal’s waste streams to the USOR Site.

1044. The waste streams generated by Specialty Metal fall within the definition of “solid waste” under the TSWDA.

1045. By letters dated December 5, 2013 and November 21, 2014, the USOR Site PRP Group notified Specialty Metal of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to

eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Specialty Metal the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

1046. To date, Specialty Metal has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1047. According to USOR Site Records, in at least October 2008, Defendant The Stanley Group, Inc. doing business as Kwik Kar Lube & Tune on Broadway ("Kwik Kar"), by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 3,600 gallons of waste containing hazardous substances owned or possessed by Kwik Kar, at the USOR Site.

1048. The waste streams generated by Kwik Kar is described on USOR Site Records as "oily water" and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, ethyl benzene, iron, lead, manganese, mercury, methyl ethyl ketone, nickel, selenium, silver, toluene, trichloroethane, vinyl chloride, xylenes and/or zinc.

1049. On certain occasions, Kwik Kar arranged with transporter Defendant Phoenix Pollution Control & Environmental Services, Inc. here to transport Kwik Kar's waste streams to the USOR Site.

1050. The waste streams generated by Kwik Kar fall within the definition of "solid waste" under the TSWDA.

1051. By letters dated December 5, 2013 and October 29, 2015, the USOR Site PRP Group notified Kwik Kar of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to

eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Kwik Kar the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

1052. To date, Kwik Kar has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1053. Defendant Sunbelt Steel Texas, Inc. ("Sunbelt Steel Texas") is the successor to SBSTX, Inc. formerly known as Sunbelt Steel Texas, Inc. (collectively "SBSTX").

1054. Upon information or belief, Sunbelt Steel Texas, LLC formerly known as SSTX, LLC (collectively "SSTX") acquired SBSTX in March 2008 and continued the uninterrupted business activities of SBSTX at the same location and retained certain employees and corporate personnel of SBSTX.

1055. In or about 2012, SSTX was converted into Sunbelt Steel Texas pursuant to a Certificate of Conversion filed with the Texas Secretary of State.

1056. According to USOR Site Records, in at least November 2003, SBSTX by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 3,900 gallons of waste containing hazardous substances owned or possessed by SBSTX, at the USOR Site.

1057. The waste streams generated by SBSTX are described on USOR Site Records as "used oil oily water" and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, dichlorobenzene, dichloroethylene, ethyl benzene, lead, manganese, mercury, methyl ethyl ketone, methylene chloride, nickel, perchloroethylene, selenium, silver, toluene, trichloroethane, trichloroethylene, xylenes and/or zinc.



1058. SBSTX arranged with transporter Defendant Enviro-Vac, Ltd. to transport SBSTX's waste streams to the USOR Site.

1059. The waste streams generated by SBSTX fall within the definition of "solid waste" under the TSWDA.

1060. By letters dated December 5, 2013 and December 12, 2014, the USOR Site PRP Group notified Sunbelt Steel Texas of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Sunbelt Steel Texas the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

1061. To date, Sunbelt Steel Texas has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1062. According to USOR Site Records, from at least December 2003 to September 2007, Defendant Syntech Chemicals, Inc. ("Syntech Chemicals") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 2,949,150 gallons of waste containing hazardous substances owned or possessed by Syntech Chemicals, at the USOR Site.

1063. The waste streams generated by Syntech Chemicals are described on USOR Site Records as "organic," "process wastewater," "storm run off water," "oily water" and "waste water" and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, dichlorobenzene, dichloroethene, dichloroethylene, dichloromethane, ethyl benzene, lead, manganese, mercury, methanol,

methylene chloride, methyl ethyl ketone, nickel, selenium, silver, toluene, trichloroethane, trichloroethylene, vinyl chloride, xylenes and/or zinc.

1064. On certain occasions, Syntech Chemicals transported its own waste streams to the USOR Site.

1065. On other occasions, Syntech Chemicals also arranged with transporters D&S Trucking, Defendant Eagle Construction and Environmental Services, LLC, Defendant El Regio Vacuum Service, Defendant Enviro-Vac, Ltd., Gulf Coast, Defendant HET Environmental and US Oil Recovery to transport Syntech Chemicals' waste streams to the USOR Site.

1066. The waste streams generated by Syntech Chemicals and/or transported to the USOR Site by Syntech Chemicals fall within the definition of "solid waste" under the TSWDA.

1067. By letters dated April 16, 2012 and February 7, 2014, the USOR Site PRP Group notified Syntech Chemicals of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Syntech Chemicals the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

1068. To date, Syntech Chemicals has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1069. According to USOR Site Records, in at least March 2004, Defendant TAP, Inc. doing business as Big K Environmental ("TAP"), by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or

treatment, at least 660 gallons of waste containing hazardous substances owned or possessed by TAP, at the USOR Site.

1070. The waste streams TAP arranged for disposal are described on USOR Site Records as “organic” and contained some or all of the following hazardous substances: acetone, benzene, cadmium, chromium, copper, dichloroethylene, dichloromethane, ethyl benzene, lead, manganese, methyl ethyl ketone, nickel, toluene, trichloroethane, vinyl chloride, xylenes and/or zinc.

1071. The waste streams TAP arranged for disposal at the USOR Site were generated by PDQ.

1072. The waste streams arranged for disposal at the USOR Site by TAP fall within the definition of “solid waste” under the TSWDA.

1073. By letter dated November 21, 2014, the USOR Site PRP Group notified TAP of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered TAP the opportunity to voluntarily join the USOR Site PRP Group’s efforts at the USOR Site.

1074. To date, TAP has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1075. According to USOR Site Records, in at least December 2005, Defendant Taqueria El Alteno No. 1 Inc. doing business as Taqueria El Alteno (“Taqueria El Alteno”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 2,000 gallons of waste containing hazardous substances owned or possessed by Taqueria El Alteno, at the USOR Site.

1076. The waste generated by Taqueria El Alteno is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

1077. On certain occasions, Taqueria El Alteno arranged with transporter Consolidated Waste, LLC, doing business as Liquid Waste Solutions, to transport Taqueria El Alteno’s waste streams to the USOR Site.

1078. The waste streams generated by Taqueria El Alteno fall within the definition of “solid waste” under the TSWDA.

1079. By letter dated September 25, 2015, the USOR Site PRP Group notified Taqueria El Alteno of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Taqueria El Alteno the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

1080. To date, Taqueria El Alteno has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1081. According to USOR Site Records, in at least February 2006, Defendant Taqueria El Sol Jalisco (“Taqueria Jalisco”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 750 gallons of waste containing hazardous substances owned or possessed by Taqueria Jalisco, at the USOR Site.

1082. The waste generated by Taqueria Jalisco is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

1083. On certain occasions, Taqueria Jalisco arranged with transporter A-Affordable Vacuum Service to transport Taqueria Jalisco’s waste streams to the USOR Site.

1084. The waste streams generated by Taqueria Jalisco fall within the definition of “solid waste” under the TSWDA.

1085. By letter dated October 30, 2015, the USOR Site PRP Group notified Taqueria Jalisco of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Taqueria Jalisco the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

1086. To date, Taqueria Jalisco has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1087. According to USOR Site Records, in at least October 2005, Defendant Taqueria Las Llardas Mexican Restaurant, Inc. (“Taqueria Las Llardas”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 1,000 gallons of waste containing hazardous substances owned or possessed by Taqueria Las Llardas, at the USOR Site.

1088. The waste generated by Taqueria Las Llardas is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

1089. On certain occasions, Taqueria Las Llardas arranged with transporter Consolidated Waste, LLC, doing business as Liquid Waste Solutions, to transport Taqueria Las Llardas' waste streams to the USOR Site.

1090. The waste streams generated by Taqueria Las Llardas fall within the definition of "solid waste" under the TSWDA.

1091. By letter dated September 4, 2015, the USOR Site PRP Group notified Taqueria Las Llardas of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Taqueria Las Llardas the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

1092. To date, Taqueria Las Llardas has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1093. According to USOR Site Records, from at least January 2004 to September 2007, Defendant Teodoro Hinojosa, Inc. doing business as HET Environmental ("HET Environmental") accepted for transport to the USOR Site, which was selected by HET Environmental, and/or by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment of waste owned or possessed by HET Environmental, at least 7,607,681 gallons of waste containing hazardous substances at the USOR Site.

1094. The waste streams HET Environmental generated, transported and/or arranged for disposal are described on USOR Site Records as "non DOT regulated material (drilling mud)," "non hazardous waste (spent coolant)," "non regulated non hazardous plant waste water

(CLOW)” and “non regulated non hazardous waste water (boiler water) and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, dichlorobenzene, dichloroethylene, ethyl benzene, iron, lead, manganese, mercury, methylene chloride, methyl ethyl ketone, nickel, perchloroethylene, toluene, trichloroethane, trichloroethylene, xylenes and/or zinc.

1095. The waste streams HET Environmental generated, transported and/or arranged for disposal were also RCRA hazardous waste described on USOR Site Records as “hazardous waste, liquid, n.o.s. (D006) 9, NA 3082, PG III,” “sodium hydroxide solution 8 PG II UN 1824 (corrosive)” and “RQ waste corrosive liquids, N.O.S. (sodium hydroxide) UN 1760 PG II EGR 154.”

1096. On certain occasions, HET Environmental transported its own waste streams to the USOR Site.

1097. On other occasions, HET Environmental transported and/or arranged for disposal of waste streams generated by either HET Environmental and/or Blentech, Cameron Drilling, Champion Technologies, Crown Cork & Seal, Day International, Dragon Products, Drew Chemical, Defendant Enviro Clean, Defendant Farouk Systems, Inc., GE Betz, J.L. Proler Iron & Steel Co., Louisiana Pacific, MEMC Pasadena, Nalco Energy, R&M Energy Systems, Schlumberger, Stolt, Texas Barge & Boat, Inc., Trifeta and Tuboscope.

1098. The waste streams arranged for disposal at the USOR Site by HET Environmental fall within the definition of “solid waste” under the TSWDA.

1099. By letter dated December 5, 2013, the USOR Site PRP Group notified HET Environmental of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or

threatened release of hazardous substances at the USOR Site; and offered HET Environmental the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

1100. To date, HET Environmental has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1101. According to USOR Site Records, from at least June 2004 to December 2009, Defendant Tex-Tube Co. ("Tex-Tube") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 371,622 gallons of waste containing hazardous substances owned or possessed by Tex-Tube, at the USOR Site.

1102. The waste streams generated by Tex-Tube are described on USOR Site Records as "oily water" and/or "recyclable oily water" and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, dichlorobenzene, dichloroethylene, ethyl benzene, lead, manganese, mercury, methylene chloride, methyl ethyl ketone, nickel, perchloroethylene, selenium, silver, toluene, trichloroethane, trichloroethylene, xylenes and/or zinc.

1103. On certain occasions, Tex-Tube arranged with transporters Anderson Pollution Control, Inc., Defendant Alliance Pastex, LLC, Environmental Earth-Wise, Inc., Defendant GC Remediation, Ltd., K-3/BMI, Pro-Waste and Defendant Specialized Waste Systems, Inc. to transport Tex-Tube's waste streams to the USOR Site.

1104. The waste streams generated by Tex-Tube and/or transported to the USOR Site by Tex-Tube fall within the definition of "solid waste" under the TSWDA.



1105. By letters dated February 7, 2014 and April 24, 2015, the USOR Site PRP Group notified Tex-Tube of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Tex-Tube the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

1106. To date, Tex-Tube has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1107. According to USOR Site Records, from at least February 2006 to September 2008, Defendant Texas City Independent School District ("Texas City ISD") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 6,444 gallons of waste containing hazardous substances owned or possessed by Texas City ISD, at the USOR Site.

1108. On certain occasions, the waste streams generated by Texas City ISD were RCRA hazardous waste described on USOR Site Records as "RQ waste corrosive liquid basic inorganic nos 8 UN 3266 PG III (potassium hydroxide)," "RQ white corrosive liquid (acetic acid)," "waste paint related material 3, UN1263 PG III" and "waste paint related material including paint thinning, drying, removing, 3, UN1263, PG III."

1109. On certain occasions, the waste streams generated by Texas City ISD is described on USOR Site Records as "non RCRA non-hazardous (oily water)" and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, dichloroethylene, ethyl benzene, iron, lead, mercury, methyl ethyl ketone, methylene chloride, molybdenum, nickel, perchloroethylene, selenium, silver, toluene, trichloroethane, trichloroethylene, vinyl chloride, xylenes and/or zinc.

1110. On certain occasions, Texas City ISD arranged with transporters Defendant Top Notch Transportation, Inc. and Legacee International Environmental Services, Inc. doing business as Texas Waste Carriers to transport Texas City ISD's waste streams to the USOR Site.

1111. The waste streams Texas City ISD generated, transported to and/or arranged for disposal at the USOR Site fall within the definition of "solid waste" under the TSWDA.

1112. Texas City ISD entered into a series of tolling agreements with the USOR PRP Group, which tolled all applicable statutes of limitation from August 1, 2014 through the date of the Second Amended Complaint.

1113. To date, Texas City ISD has refused to cooperate with the USOR Site PRP Group and has not paid its equitable share of response costs incurred by the USOR Site PRP Group at the USOR Site.

1114. According to USOR Site Records, Defendant Texas Couplings, L.P. ("Texas Couplings") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 427,530 gallons of waste containing hazardous substances owned or possessed by Texas Couplings, at the USOR Site.

1115. The waste streams generated by Texas Couplings are described on USOR Site Records as "non-hazardous non- RCRA (phosphate sludge)," "non-hazardous non-RCRA waste water (oily rinse water)," "oily rinse water," "oily water" and "oily" and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, dichloroethene, dichloromethane, ethyl benzene, ethylene glycol, lead, manganese, methylene chloride, methyl ethyl ketone, mercury, nickel, nitric acid, perchloroethylene,

phosphorus, phosphoric acid, selenium, silver, sodium hydroxide, trichloroethane, trichloroethylene, toluene, xylenes and/or zinc.

1116. On certain occasions, Texas Couplings arranged with Legatee International Environmental Services, Inc. doing business as Texas Waste Carriers for disposal and/or treatment of Texas Couplings' waste streams.

1117. On certain occasions, Texas Couplings arranged with transporters Bealine Service Co., Inc., Ensource Corporation, Gulf Coast Vac, Defendant Specialized Maintenance Services, Inc., Legatee International Environmental Services, Inc. doing business as Texas Waste Carriers and Defendant Top Notch Transportation, Inc. to transport Texas Couplings' waste streams to the USOR Site.

1118. The waste streams generated by Texas Couplings fall within the definition of "solid waste" under the TSWDA.

1119. By letters dated November 23, 2011, February 7, 2014 and December 4, 2015, the USOR Site PRP Group notified Texas Couplings of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Texas Couplings the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

1120. To date, Texas Couplings has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1121. According to USOR Site Records, from at least May 2004 to January 2008, Defendant Texas International Box Company & Rentals, Inc. ("Texas International Box")

accepted for transport to the USOR Site, which was selected by Texas International Box, and/or by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment of waste owned or possessed by Texas International Box, at least 4,695,418 gallons of waste containing hazardous substances at the USOR Site.

1122. The waste streams Texas International Box generated, transported and/or arranged for disposal are described on USOR Site Records as “oily,” “organic,” “oily water” and “oil” and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, dichlorobenzene, dichloroethylene, dichloromethane, ethyl benzene, iron, lead, manganese, mercury, methyl ethyl ketone, methylene chloride, nickel, perchloroethylene, selenium, silver, toluene, trichloroethane, trichloroethylene, vinyl chloride, xylenes and/or zinc.

1123. On certain occasions, Texas International Box transported and/or arranged for disposal of its own waste streams to the USOR Site.

1124. On other occasions, Texas International Box transported and/or arranged for disposal of waste streams generated by Air Liquide, Control Solutions, Inc., Defendant Curran International, Inc., K-Solv, LP, Kirby Inland Marine, LP, Louisiana Chemical, Lufkin Industries, NMM Transport, Pan Glo Service, South Atlantic Services, Inc., Southern Heat Exchanger, Splish Splash, Thermal Energy and UPT.

1125. On certain occasions, Texas International Box arranged with transporters Bayou City Environmental, GCR and Gulf Coast to transport Texas International Box’s waste streams to the USOR Site.

1126. The waste streams Texas International Box generated, transported to and/or arranged for disposal at the USOR Site fall within the definition of “solid waste” under the TSWDA.

1127. By letter dated December 5, 2013, the USOR Site PRP Group notified Texas International Box of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Texas International Box the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

1128. To date, Texas International Box has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1129. Alternatively, Defendant Texas International Box Co. (“Texas International Box Co.”) is responsible for the waste streams attributable to Texas International Box, as alleged in paragraph nos. 1121-1122 above.

1130. To date, Texas International Box Co. has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1131. According to USOR Site Records, from at least November 2005 to March 2006, Defendant Thiem Hung Bakery (“Thiem Hung Bakery”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 650 gallons of waste containing hazardous substances owned or possessed by Thiem Hung Bakery, at the USOR Site.

1132. The waste generated by Thiem Hung Bakery is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

1133. On certain occasions, Thiem Hung Bakery arranged with transporter Public Sanitary Works, Inc. to transport Thiem Hung Bakery’s waste streams to the USOR Site.

1134. The waste streams generated by Thiem Hung Bakery fall within the definition of “solid waste” under the TSWDA.

1135. By letter dated September 18, 2015, the USOR Site PRP Group notified Thiem Hung Bakery of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Thiem Hung Bakery the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

1136. To date, Thiem Hung Bakery has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1137. According to USOR Site Records, from at least November 2005 to January 2006, Defendant Three Gringos Restaurant Consultants, Inc. doing business as Fajita Flats (“Fajita Flats”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 1,500 gallons of waste containing hazardous substances owned or possessed by Fajita Flats, at the USOR Site.

1138. The waste generated by Fajita Flats is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

1139. On certain occasions, Fajita Flats arranged with transporter Consolidated Waste, LLC, doing business as Liquid Waste Solutions, to transport Fajita Flats' waste streams to the USOR Site.

1140. The waste streams generated by Fajita Flats fall within the definition of "solid waste" under the TSWDA.

1141. By letter dated August 25, 2015, the USOR Site PRP Group notified Fajita Flats of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Fajita Flats the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

1142. To date, Fajita Flats has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1143. Defendant Tierra Viva, Inc. ("Tierra Viva") currently does business as El Pueblito Patio ("El Pueblito").

1144. According to USOR Site Records, from at least November 2005 to March 2006, El Pueblito by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 120 gallons of waste containing hazardous substances owned or possessed by El Pueblito, at the USOR Site.

1145. The waste generated by El Pueblito is described on USOR Site Records as "grease" and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

1146. On certain occasions, El Pueblito arranged with transporter Public Sanitary Works, Inc. to transport El Pueblito's waste streams to the USOR Site.

1147. The waste streams generated by El Pueblito fall within the definition of “solid waste” under the TSWDA.

1148. Additionally, Tierra Viva formerly did business as Mango’s Cantina (“Mango’s Cantina”).

1149. According to USOR Site Records, in at least February 2006, Mango’s Cantina by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 20 gallons of waste containing hazardous substances owned or possessed by Mango’s Cantina, at the USOR Site.

1150. The waste generated by Mango’s Cantina is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

1151. On certain occasions, Mango’s Cantina arranged with transporter Public Sanitary Works, Inc. to transport Mango’s Cantina’s waste streams to the USOR Site.

1152. The waste streams generated by Mango’s Cantina fall within the definition of “solid waste” under the TSWDA.

1153. By letter dated August 25, 2015, the USOR Site PRP Group notified Tierra Viva of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Tierra Viva the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

1154. To date, Tierra Viva has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.



1155. According to USOR Site Records, from at least February 2006 to March 2006, Defendant Tioman Island, Inc. doing business as Far East Chinese Restaurant (“Tioman Island”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 40 gallons of waste containing hazardous substances owned or possessed by Tioman Island, at the USOR Site.

1156. The waste generated by Tioman Island is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

1157. On certain occasions, Tioman Island arranged with transporter Public Sanitary Works, Inc. to transport Tioman Island’s waste streams to the USOR Site.

1158. The waste streams generated by Tioman Island fall within the definition of “solid waste” under the TSWDA.

1159. By letter dated August 25, 2015, the USOR Site PRP Group notified Tioman Island of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Tioman Island the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

1160. To date, Tioman Island has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1161. According to USOR Site Records, from at least October 2003 to July 2005, Defendant Tiona Truck Line, Inc. (“Tiona Truck”) accepted at least 21,036 gallons of waste containing hazardous substances for transport to the USOR Site.

1162. The waste streams transported by Tiona Truck are described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: acetone, arsenic, cadmium, chromium, copper, dichloroethylene, lead, mercury, methyl ethyl ketone, methylene chloride, molybdenum, nickel, selenium, toluene, trichloroethane, trichloroethylene and/or zinc.

1163. The waste streams transported to the USOR Site by Tiona Truck fall within the definition of “solid waste” under the TSWDA.

1164. By letters dated December 5, 2013 and December 19, 2014, the USOR Site PRP Group notified Tiona Truck of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Tiona Truck the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

1165. To date, Tiona Truck has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1166. According to USOR Site Records, in at least February 2006, Defendant Tito’s Taco Shop (“Tito’s Taco”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 300 gallons of waste containing hazardous substances owned or possessed by Tito’s Taco, at the USOR Site.

1167. The waste generated by Tito’s Taco is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: acetone, arsenic, benzene, cadmium, chromium, copper, dichlorobenzene, dichloroethylene, lead, mercury,

methylene chloride, molybdenum, nickel, selenium, trichloroethane, trichloroethylene and/or zinc.

1168. On certain occasions, Tito's Taco arranged with transporter Public Sanitary Works, Inc. to transport Tito's Taco's waste streams to the USOR Site.

1169. The waste streams generated by Tito's Taco fall within the definition of "solid waste" under the TSWDA.

1170. By letter dated September 18, 2015, the USOR Site PRP Group notified Tito's Taco of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Tito's Taco the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

1171. To date, Tito's Taco has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1172. According to USOR Site Records, from at least June 2004 to November 2005, Defendant TNG Utility Corporation ("TNG") accepted for transport to the USOR Site, which was selected by TNG, and/or by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment of waste owned or possessed by TNG, at least 154,900 gallons of waste containing hazardous substances at the USOR Site.

1173. On certain occasions, the waste streams TNG generated, transported and/or arranged for disposal are described on USOR Site Records as "non-haz/non regulated wastewater," "non-hazardous waste water," "(non haz) (non regulated) waste water)," and "organic" and contained some or all of the following hazardous substances: acetone, cadmium,

chromium, copper, dichloroethylene, dichloromethane, lead, manganese, methyl ethyl ketone, methylene chloride, nickel, toluene, trichloroethane, trichloroethylene, vinyl chloride and/or zinc.

1174. On certain occasions, TNG transported its own waste streams to the USOR Site.

1175. On other occasions, TNG arranged with transporters Gator Environmental & Rentals, Inc. and K-3 Resources, L.P. d/b/a K-3BMI to transport TNG's waste streams to the USOR Site.

1176. The waste streams TNG generated, transported to and/or arranged for disposal at the USOR Site fall within the definition of "solid waste" under the TSWDA.

1177. By letter dated May 7, 2012, the USOR Site PRP Group notified TNG of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered TNG the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

1178. To date, TNG has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1179. According to USOR Site Records, from at least January 2000 to April 2009, Defendant Top Notch Transportation, Inc. ("Top Notch") accepted at least 461,552 gallons of waste containing hazardous substances for transport to the USOR Site, which was selected by Top Notch.

1180. The waste streams transported by Top Notch are described on USOR Site Records as, including but not limited to, "non RCRA non hazardous wastewater," "non RCRA, non hazardous (antifreeze)," "non-RCRA, non hazardous (polishing rinsewater)," "non RCRA non

hazardous latex & MEK,” “non RCRA non hazardous paint booth filters,” “non hazardous non RCRA adhesive glue,” “non-hazardous non RCRA (phosphate sludge),” “non-hazardous, non-RCRA (lube oil),” “non-RCRA, non-hazardous virgin product,” “non RACA [sic] non hazardous latex paint,” “non-RCRA, non-hazardous (epoxy sludge),” “non RCRA non-hazardous (petroleum solids),” “non-RCRA non hazardous (wax water)” and “non-RCRA non-hazardous (developer solution)” and contained some or all of the following hazardous substances: acetone, asbestos, benzene, benzo(a)anthracene, benzo(a)pyrene, cadmium, chromium, cresol, ethyl benzene, lead, manganese, methyl ethyl ketone, nickel, phenanthrene, tin, toluene, trichloroethane, trichloroethylene, vinyl chloride, xylenes and/or zinc.

1181. The waste streams transported by Top Notch were also RCRA hazardous waste described on USOR Site Records as, including but not limited to, “RQ paint related material 3, UN1263, PG II (universal waste),” “waste flammable liquids, n.o.s. 3, UN1993, PGII,” “waste paint related material including drying, removing, 3, UN1263, III (universal acetone & rags),” “waste corrosive liquid, acidic, inorganic, nos 8, UN3264, PG III (spent acid debris)” and “hazardous waste liquid nos 9 NA3082 PG III.”

1182. The waste streams Top Notch transported to the USOR Site were generated by, including but not limited to, Defendant Specialty Metal Finishing, Inc., Natural Gas Pipeline, Barrier Equipment, Hilton Double Tree, P Chem. Incorporated, Hexion Specialty Chemicals, TX Industrial Box Co. & Rentals Inc., Texas Commission on Environmental Quality, Nucor Vulcraft Group, Paradigm Plastics, Country Crafters, MTI Environmental, Analytical Services Inc., Texas City ISD Maintenance Dept., Century Industrial Coating, Defendant Texas Couplings, L.P., K-Solv, LP, Pipeline Valve Specialty, Intra-Services Inc., Inkjet Inc., Katy ISD, Fort Bend ISD, HISD-Eastwood Academy, Metrix Inc., Tru Logistics Inc., Leedo Cabinetry, Enterprise

Transportation Company, R & M Services, Domco Products Texas LP, American Valve and Hydrant, Alief ISD and Powell Electrical Manf.

1183. The waste streams transported to the USOR Site by Top Notch fall within the definition of “solid waste” under the TSWDA.

1184. To date, Top Notch has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1185. According to USOR Site Records, from at least November 2004 to January 2005, Defendant Trans-Global Solutions, Inc. (“Trans-Global”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 12,800 gallons of waste containing hazardous substances owned or possessed by Trans-Global, at the USOR Site.

1186. The waste streams generated by Trans-Global are described on USOR Site Records as “non-hazardous recyclable hydrocarbons,” “hydraulic oil and water” and “oily water” and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, ethyl benzene, iron, lead, manganese, mercury, methyl ethyl ketone, nickel, selenium, silver, toluene, trichloroethane, xylenes and/or zinc.

1187. On certain occasions, Trans-Global arranged with transporters Gator Environmental, GCR and Defendant USA Industrial Services to transport Trans-Global’s waste streams to the USOR Site.

1188. The waste streams generated by Trans-Global and/or transported to the USOR Site by Trans-Global fall within the definition of “solid waste” under the TSWDA.

1189. By letters dated December 5, 2013 and September 18, 2015, the USOR Site PRP Group notified Trans-Global of the existence of the release or threatened release of hazardous

substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Trans-Global the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

1190. To date, Trans-Global has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1191. According to USOR Site Records, in at least January 2006, Defendant Tri Lotus Seafood, Inc. doing business as Lotus Seafood Market ("Tri Lotus Seafood") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 800 gallons of waste containing hazardous substances owned or possessed by Tri Lotus Seafood, at the USOR Site.

1192. The waste generated by Tri Lotus Seafood is described on USOR Site Records as "grease" and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

1193. On certain occasions, Tri Lotus Seafood arranged with transporter A-Affordable Vacuum Service to transport Tri Lotus Seafood's waste streams to the USOR Site.

1194. The waste streams generated by Tri Lotus Seafood fall within the definition of "solid waste" under the TSWDA.

1195. By letter dated September 4, 2015 the USOR Site PRP Group notified Tri Lotus Seafood of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Tri Lotus Seafood the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

1196. To date, Tri Lotus Seafood has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1197. According to USOR Site Records, in at least November 2005, Tung Hoi Restaurant Inc. doing business as Tung Hoi Restaurant (“Tung Hoi Restaurant”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 150 gallons of waste containing hazardous substances owned or possessed by Tung Hoi Restaurant, at the USOR Site.

1198. The waste generated by Tung Hoi Restaurant is described on USOR Site Records as “grease” and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and/or zinc.

1199. On certain occasions, Tung Hoi Restaurant arranged with transporter Unique Sanitation to transport Tung Hoi Restaurant’s waste streams to the USOR Site.

1200. The waste streams generated by Tung Hoi Restaurant fall within the definition of “solid waste” under the TSWDA.

1201. By letter dated September 18, 2015, the USOR Site PRP Group notified Tung Hoi Restaurant of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Tung Hoi Restaurant the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

1202. To date, Tung Hoi Restaurant has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.



1203. According to USOR Site Records, from at least February 2004 to December 2005, Defendant Turneco Oil and Service (“Turneco Oil Service”) accepted for transport to the USOR Site, which was selected by Turneco Oil Service, and/or by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment of waste owned or possessed by Turneco Oil Service, at least 11,424 gallons of waste containing hazardous substances at the USOR Site.

1204. The waste streams Turneco Oil Service generated, transported and/or arranged for disposal are described on USOR Site Records as “oily water,” “oil” and “used oil” and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, ethyl benzene, iron, lead, manganese, mercury, methyl ethyl ketone, nickel, selenium, silver, toluene, trichloroethane, xylenes and/or zinc.

1205. On certain occasions, Turneco Oil Service transported its own waste streams to the USOR Site.

1206. On certain occasions, Turneco Oil Service transported and/or arranged for disposal of waste streams generated by Dow Machine, Everest Valve Co., Defendant FAM Marine Services, Inc., Defendant North American Marine, Inc., Sorb All and Wolar Industries.

1207. The waste streams generated and/or transported to the USOR Site by Turneco Oil Service fall within the definition of “solid waste” under the TSWDA.

1208. By letter dated December 19, 2014, the USOR Site PRP Group notified Turneco Oil Service of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site, and offered Turneco Oil Service the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

1209. To date, Turneco Oil Service has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1210. Alternatively, Defendant Turner Co. (“Turner Co.”) is responsible for the waste streams attributable to Turneco Oil Service, as alleged in paragraph nos. 1203-1204 above.

1211. To date, Turner Co. has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1212. According to USOR Site Records, from at least August 24, 2005 to March 30, 2009, Defendant US Waste Industries, Inc. (“US Waste Industries”) accepted for transport to the USOR Site, which was selected by US Waste Industries, and/or by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment of waste owned or possessed by US Waste Industries, at least 311,068 gallons of waste containing hazardous substances at the USOR Site.

1213. The waste streams US Waste Industries transported and/or arranged for disposal are also described on USOR Site Records as “ethylene glycol waste water,” “oily water,” “oily,” “surfactant wash water,” “trench water,” “waste water – non-hazardous/non regulated” and “waste water/ non haz.” and contained some or all of the following hazardous substances: acetone, antimony, arsenic, barium, benzene, cadmium, chromium, copper, dichloroethene, dichloromethane, ethyl benzene, iron, lead, manganese, mercury, methylene chloride, methyl ethyl ketone, nickel, perchloroethylene, selenium, silver, toluene, trichloroethane, trichloroethylene, xylenes and/or zinc.

1214. The waste streams US Waste Industries transported to and/or arranged for disposal at the USOR Site were generated by, including but not limited to, GTI Coatings, Quest

Chemicals, REM Research Group, Inc. and SACHEM, Inc.

1215. The waste streams US Waste Industries transported to and/or arranged for disposal at the USOR Site fall within the definition of “solid waste” under the TSWDA.

1216. To date, US Waste Industries has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1217. According to USOR Site Records, from at least January 2004 to February 2008, Defendant USA Environment, LP (“USA Environment”), which is also known as USA Industrial Services (“USA Industrial Services”) and/or does business as USA Industrial Services, accepted for transport to the USOR Site, which was selected by USA Environment, and/or by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment of waste owned or possessed by USA Environment, at least 5,762,581 gallons of waste containing hazardous substances at the USOR Site.

1218. On certain occasions, the waste streams USA Environment and/or USA Industrial Services generated, transported and/or arranged for disposal are described on USOR Site Records as “50% water/50% tank bottoms mixed w/diesel,” “compressor oil” “cutting oil and water,” “non DOT regulated material (drilling mud),” “non hazardous, class I, waste water,” “non regulated material (outdated hydraulic oil),” “non regulated material,” “non regulated non hazardous (water with trace ethylene glycol),” “non regulated non hazardous liquid (water and butadiene),” “rinse water non haz non reg,” “sludge from oil separator containing ink and cardboard leftovers,” “sump water” and “waste ink and water” and contained some or all of the following hazardous substances: arsenic, barium, benzene, cadmium, chromium, copper, dichloroethene, dichloromethane ethyl benzene, lead, manganese, methylene chloride, mercury,

nickel, perchloroethylene, selenium, silver, trichloroethane, trichloroethylene, toluene, xylenes and/or zinc.

1219. On certain occasions, the waste streams USA Environment and/or USA Industrial Services generated, transported and/or arranged for disposal were RCRA hazardous waste described on USOR Site Records as “RQ waste combustible liquid, nos, combustible liquid, 3, NA1993, PG III (RQ=1.4-dioxane 100lbs.),” “RQ waste corrosive liquid, acidic, inorganic, n.o.s. (ferric sulfuric solution), 8, UN 3264, PG II,” “RQ waste corrosive liquid, basic, inorganic, nos, 8, UN 3266, PG II, (KOH, Naoh),” “RQ waste flammable liquids, n.o.s. (clean solvents), 3, UN1993, PG III (D0001)” and “waste flammable liquid, NOS, 3, UN1993, PG II (isopropanol, aromatic, naphtha).”

1220. On certain occasions, USA Environment and/or USA Industrial Services transported its own waste streams to the USOR Site.

1221. On other occasions, USA Environment and/or USA Industrial Services transported and/or arranged for disposal of waste streams generated by, including but not limited to, Altivia, Atlantic Trading & Marketing, Balmoral Group, BPI Realty, Centerpoint Energy, CFF Recycling, Champion Technologies, Contractors Technology, CTI, Curran/Truck Washing, CVS Pharmacy, Delta Chemical, Delta Petroleum Co., Inc., Dynergy Midstream, Eagle-Orange, Flint Ink, Fuller Storage, G.E. Water & Process Technology, Greystar Inc., Griggs Auto Center, Harcros Chemicals, Harris County Landfill, Helmerich & Payne International, HGM, JJ Sheldon, JC Penney Co., Koch Hydrocarbons, Louis Dreyfus Energy Services, Lubrizol, Lug-A-Jug, Magellan Midstream, Metro, Midtown Development, Nisseki Chemical, Oneok Hydrocarbon, The Planet, PWI, Reliant Park, Rescar, Rouse, S&B Engineering, Sercel Inc., Smurfitt Stone, Starco Energy, Targa Midstream, Texas Petrochemical, Todco, Tuboscope, Texas Department of

Transportation, UTMB, Vanguard Car Rental, Wal-Mart Stores, Inc., Weatherford International and Wendy's Car Wash, LLC.

1222. The waste streams USA Environment and/or USA Industrial Services generated, transported to and/or arranged for disposal at the USOR Site fall within the definition of "solid waste" under the TSWDA.

1223. On or about March 4, 2013, USA Environment executed a Participation Agreement with the USOR Site PRP Group to become a member of the USOR Site PRP Group, but USA Environment has subsequently breached the contract it entered into with the USOR Site PRP Group.

1224. Since breaching its contract with the USOR Site PRP Group, USA Environment refuses to cooperate with the USOR Site PRP Group and has not paid its equitable share of response costs incurred by the USOR Site PRP Group at the USOR Site.

1225. Alternatively, Defendant USA Industrial Services is responsible for the waste streams attributable to USA Environment, as alleged in paragraph nos. 1217-1219 above.

1226. By letter dated December 5, 2013, the USOR Site PRP Group notified USA Industrial Services of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered USA Industrial Services the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

1227. To date, USA Industrial Services has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1228. According to USOR Site Records, in at least September 2005, Defendant USA Vacuum, LLC (“USA Vacuum”) accepted at least 2,500 gallons of waste containing hazardous substances for transport to the USOR Site.

1229. The waste streams transported by USA Vacuum is described on USOR Site Records as “copper naphthenate rinsate” and contained some or all of the following hazardous substances: acetone, benzene, chromium, copper, ethyl benzene, manganese, methyl ethyl ketone, nickel, toluene, trichloroethane, xylenes and/or zinc.

1230. The waste streams USA Vacuum transported to the USOR Site were generated by Rescar.

1231. The waste streams transported to the USOR Site by USA Vacuum fall within the definition of “solid waste” under the TSWDA.

1232. To date, USA Vacuum has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1233. According to USOR Site Records, from at least April to May 2005, Defendant W. Perry’s Inc. (“W. Perry”) accepted for transport to the USOR Site, which was selected by W. Perry, and/or by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment of waste owned or possessed by W. Perry, at least 9,755 gallons of waste containing hazardous substances at the USOR Site.

1234. The waste streams W. Perry generated, transported and/or arranged for disposal are described on USOR Site Records as “oily water,” “organic grease,” “grease trap,” “grease” and “grit trap” and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, ethyl benzene, iron, lead, mercury, methyl ethyl

ketone, molybdenum, nickel, perchloroethylene, selenium, silver, tin, toluene, trichloroethane, trichloroethylene, vinyl chloride, xylenes and/or zinc.

1235. On certain occasions, W. Perry transported its own waste streams to the USOR Site.

1236. The waste streams W. Perry generated, transported to and/or arranged for disposal at the USOR Site fall within the definition of “solid waste” under the TSWDA.

1237. By letter dated December 18, 2014, the USOR Site PRP Group notified W. Perry’s of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered W. Perry’s the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

1238. To date, W. Perry’s has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1239. According to USOR Site Records, in at least March 2007, Defendant Weatherford U.S., L.P. (“Weatherford”) by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 10,220 gallons of waste containing hazardous substances owned or possessed by Weatherford, at the USOR Site.

1240. The waste streams generated by Weatherford are described on USOR Site Records as “oily water,” “oily” and “sump sludge and water” and contained some or all of the following hazardous substances: acetone, arsenic, barium, benzene, cadmium, chromium, copper, ethyl benzene, iron, lead, manganese, mercury, methyl ethyl ketone, nickel, selenium, silver, toluene, trichloroethane, xylenes and/or zinc.

1241. On certain occasions, Weatherford arranged with transporter Bayou City Environmental Services, LP to transport Weatherford's waste streams to the USOR Site.

1242. The waste streams generated by Weatherford fall within the definition of "solid waste" under the TSWDA.

1243. By letter dated December 5, 2013, the USOR Site PRP Group notified Weatherford of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Weatherford the opportunity to voluntarily join in the USOR Site PRP Group's efforts at the USOR Site.

1244. To date, Weatherford has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

1245. According to USOR Site Records, from at least November 2005 to March 2006, Defendant Yale Grill and Diner ("Yale Grill") by contract, agreement, or otherwise arranged for disposal or treatment, and/or arranged with a transporter for transport for disposal or treatment, at least 900 gallons of waste containing hazardous substances owned or possessed by Yale Grill, at the USOR Site.

1246. The waste generated by Yale Grill is described on USOR Site Records as "grease" and "organic" and contained some or all of the following hazardous substances: arsenic, cadmium, chromium, copper, dichloroethylene, dichloromethane, lead, manganese, mercury, molybdenum, nickel, selenium, trichloroethane, vinyl chloride and/or zinc.

1247. On certain occasions, Yale Grill arranged with transporter Consolidated Waste, LLC, doing business as Liquid Waste Solutions, to transport Yale Grill's waste streams to the USOR Site.



1248. The waste streams generated by Yale Grill fall within the definition of “solid waste” under the TSWDA.

1249. By letter dated September 4, 2015, the USOR Site PRP Group notified Yale Grill of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site; and offered Yale Grill the opportunity to voluntarily join in the USOR Site PRP Group’s efforts at the USOR Site.

1250. To date, Yale Grill has refused to cooperate with the USOR Site PRP Group and has not paid any response costs incurred by the USOR Site PRP Group at the USOR Site.

#### **COUNT I – COST RECOVERY UNDER CERCLA**

1251. The USOR Site PRP Group realleges and incorporates by reference Paragraph Nos. 1 through 1250 of this Complaint as if fully restated herein.

1252. Section 107(a)(4) of CERCLA, 42 U.S.C. §§ 9607(a)(4), provides, in relevant part, that:

Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection (b) of this section --

(1) the owner and operator of a vessel or facility, (2) any person who at the time of disposal of any hazardous substance owned or operated any facility at which such hazardous substances were disposed of,... from which there is a release, or threatened release which causes the incurrence of response costs, of a hazardous substance, shall be liable for -- (A) all costs of removal or remedial action incurred by... a State... not inconsistent with the national contingency plan; (B) any other necessary costs of response incurred by any other person consistent with the national contingency plan;....

1253. “Disposal” is defined in CERCLA Section 101(29) by reference to the Solid Waste Disposal Act (“SWDA”). 42 U.S.C. § 9601(29). The SWDA defines “disposal” as “the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any

constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.” 42 U.S.C. § 6903(3).

1254. “Facility” is defined in CERCLA Section 101(9) as “any building, structure, installation, equipment, pipe or pipeline” or “any site or area where a hazardous substance has been deposited, stored, disposed of, or placed....” 42 U.S.C. § 9601(9).

1255. “Hazardous substance” is defined in CERCLA Section 101(14) by reference to other federal statutes and by reference to a list of substances published by EPA at 40 C.F.R. § 302.4. 42 U.S.C. § 9601(14).

1256. “Owner” or “Operator” is defined in CERCLA Section 101(20) as “... in the case of an onshore facility or an offshore facility, any person owning or operating such facility....” 42 U.S.C. § 9601(20).

1257. “Person” is defined in CERCLA Section 101(21) as “an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.” 42 U.S.C. § 9601(20).

1258. “Release” is defined in CERCLA Section 101(22) as “any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant)....” 42 U.S.C. § 9601(22).

1259. “Response” is defined in CERCLA Section 101(25), and includes “removal” actions, “remedial” actions, and enforcement activities related thereto. 42 U.S.C. § 9601(25).

1260. The USOR Site is a “facility” within the meaning of Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

1261. There has been a “release” and/or a threatened “release” of “hazardous substances” at the USOR Site which has caused the incurrence of “response costs” by the USOR Site PRP Group, within the meanings of Sections 101(22), 101(14) and 107 of CERCLA, 42 U.S.C. §§ 9601(22), 9601(14) and 9607.

1262. Each of the Defendants is a “person” within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

1263. Pursuant to CERCLA, 42 U.S.C. §§ 9607(a)(3) and or 9607(a)(4), each Defendant, except Severn Trent, is liable as an arranger or generator of materials containing hazardous substances, which materials were disposed at the USOR Site; and/or a transporter of hazardous substances who selected the USOR Site for the disposal of such hazardous substances, and who did dispose of such hazardous substances at the Site.

1264. Pursuant to CERCLA, 42 U.S.C. § 9607(a)(2), the City of Pasadena is liable as a past owner and operator of the 200 N. Richey Street portion of the USOR Site at a time when hazardous substances were disposed of at the 200 N. Richey Street portion of the USOR Site.

1265. Pursuant to CERCLA, 42 U.S.C. § 9607(a)(2), Severn Trent is liable as a past owner and operator of the 200 N. Richey Street portion of the USOR Site at a time when hazardous substances were disposed of at the 200 N. Richey Street portion of the USOR Site.

1266. As a result of the release and threatened release of hazardous substances at or from the USOR Site, the USOR Site PRP Group has incurred voluntary response costs and will continue to incur costs of “response,” as that term is defined by Section 101(25) of CERCLA, 42 U.S.C. § 9601(25).

1267. The response costs incurred by the USOR Site PRP Group in connection with the USOR Site are consistent with the NCP.

1268. Pursuant to CERCLA, 42 U.S.C. §§ 9607 and 9613, each Defendant is strictly, jointly and severally liable for the voluntary past and future response costs incurred and to be incurred by the USOR Site PRP Group in response to the release or threatened release of hazardous substances at and from the USOR Site.

WHEREFORE, the USOR Site PRP Group respectfully prays that this Court enter judgment in its favor and against all Defendants holding that each Defendant is strictly, jointly and severally liable for the voluntary response costs incurred or to be incurred by the USOR Site PRP Group, including appropriate pre-judgment interest, in connection with the release and/or threatened release of hazardous substances at the USOR Site. The USOR Site PRP Group further requests that this Court award interest and costs of suit, including reasonable attorney's fees and consultant fees as permitted by law; and order any such other relief as the Court may deem just and appropriate under the circumstances.

## **COUNT II – CONTRIBUTION UNDER CERCLA**

1269. The USOR Site PRP Group realleges and incorporates by reference Paragraph Nos. 1 through 1268 of this Complaint as if fully restated herein.

1270. Sections 113(f)(1) and (3)(B) of CERCLA, 42 U.S.C. §§ 9613(f)(1) and (3)(B), provide, in relevant part, that:

Any person may seek contribution from any other person who is liable or potentially liable under section 9607(a)....

A person who has resolved its liability to the United States or a State for some or all of a response action or for some or all of the costs of such action in an administrative or judicially approved settlement may seek contribution from any person who is not party to a settlement....

1271. The USOR Site PRP Group has resolved its liability to EPA for matters covered in the Removal Action AOC, AOI-1 RI/FS AOC and Second Removal Action AOC.

1272. All Defendants are liable parties under CERCLA, but have not resolved their liability to the USOR Site PRP Group or EPA.

1273. To date, the USOR Site PRP Group has been compelled to incur and/or otherwise pay over \$10,000,000 in response costs at the USOR Site under the Removal Action AOC and the AOI-1 RI/FS AOC.

1274. The USOR Site PRP Group is entitled to contribution from all Defendants under Section 113(f)(1) of CERCLA, 42 U.S.C. § 9613(f)(1), for Defendants' respective equitable shares of all costs and damages incurred by USOR Site PRP Group, including applicable interest as provided for in Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

WHEREFORE, the USOR Site PRP Group respectfully request that this Court enter a declaratory judgment against all Defendants finding that they are each liable under Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), and Section 28 U.S.C. §§ 2201 and 2202, and are obligated to pay for their equitable shares of all past and future response costs, plus interest, associated with the USOR Site. The USOR Site PRP Group further requests that this Court award interest and costs of suit, including reasonable attorney's fees and consultant fees as permitted by law; and order any such other relief as the Court may deem just and appropriate under the circumstances.

### **COUNT III – DECLARATORY RELIEF UNDER CERCLA**

1275. The USOR Site PRP Group alleges and incorporates by reference Paragraph Nos. 1 through 1274 of this Complaint as if fully restated herein.

1276. There is a present and actual controversy between the USOR Site PRP Group and

all Defendants concerning their respective rights and obligations with respect to the response costs associated with the USOR Site.

1277. Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), provides, in relevant part, that:

In any such action described in this subsection, the court shall enter a declaratory judgment on liability for response costs or damages that will be binding on any subsequent action or actions to recover further response costs or damages. A subsequent action or actions under section 9607 of this title for further response costs at the vessel or facility may be maintained at any time during the response action, but must be commenced no later than 3 years after the date of completion of all response action. Except as otherwise provided in this paragraph, an action may be commenced under section 9607 of this title for recovery of costs at any time after such costs have been incurred.

1278. The USOR Site PRP Group seek a declaratory judgment under Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), against all Defendants holding them liable for their respective equitable shares of response costs, that will be binding in any subsequent action to recover further response costs.

1279. The USOR Site PRP Group is entitled to judgment against all Defendants for past and future response costs incurred in connection with the USOR Site.

WHEREFORE, the USOR Site PRP Group respectfully prays that this Court enter a declaratory judgment against all Defendants finding that they are each liable under CERCLA and are obligated to pay for their equitable shares of all past and future response costs associated with the USOR Site. The USOR Site PRP Group further requests that this Court award interest and costs of suit, including reasonable attorney's fees and consultant fees as permitted by law; and order any such relief as the Court may deem just and appropriate under the circumstances.

#### **COUNT IV – COST RECOVERY UNDER TSWDA**

1280. The USOR Site PRP Group realleges and incorporates by reference Paragraph Nos. 1 through 1279 of this Complaint as if fully restated herein.

1281. Section 361.344(a) of the TSWDA, Tex. Health & Safety Code Ann. § 361.344, provides, in relevant part, that:

A person who conducts a removal or remedial action that is approved by the [Texas Natural Resource Conservation] commission and is necessary to address a release or threatened release may bring suit ... to recover the reasonable and necessary costs of that action and other costs as the court, in its discretion, considers reasonable.

1282. The response activities conducted to date by the USOR Site PRP Group at the USOR Site have been approved by TCEQ.

1283. “Person” is defined in Section 361.003(23) of the TSWDA as “an individual, corporation, organization, government or government subdivision or agency, business trust, partnership, association or any other legal entity.” Tex. Health & Safety Code Ann. § 361.003(23).

1284. “Release” is defined in Section 361.003(28) of the TSWDA as “any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment.” Tex. Health & Safety Code Ann. § 361.003(28).

1285. “Removal” is defined in in Section 361.003(30) of the TSWDA to include: “(A) cleaning up or removing released hazardous waste from the environment; (B) taking necessary action in the event of the threat of release of hazardous waste into the environment; (C) taking necessary action to monitor, assess, and evaluate the release or threat of release of hazardous waste; (D) disposing of removed material; (E) erecting a security fence or other measure to limit access; (F) providing alternative water supplies, temporary evacuation, and housing for

threatened individuals not otherwise provided for; (G) acting under Section 104(b) of environmental response law [CERCLA]; (H) providing emergency assistance under the federal Disaster Relief Act of 1974 (42 U.S.C. Section 5121 *et seq.*); or (I) taking any other necessary action to prevent, minimize, or mitigate damage to the public health and welfare or the environment that may otherwise result from a release or threat of release. Tex. Health & Safety Code Ann. § 361.003(30).

1286. “Solid Waste” is defined in Sections 361.003(34) and (35) of the TSWDA as follows: garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid semisolid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations and from community and institutional activities.

1287. “Solid Waste Facility” is defined in Section 361.003(36) of the TSWDA as follows: all contiguous land, including structures, appurtenances, and other improvements on the land, used for processing, storing, or disposing of solid waste. The term includes a publicly or privately owned solid waste facility consisting of several processing, storage, or disposal operational units such as one or more landfills, surface impoundments, or a combination of units.

1288. Both the 200 N. Richey Street and 400 N. Richey Street portions of the USOR Site are “solid waste facilities” within the meaning of Section 361.003(36) of the TSWDA.

1289. The waste streams, waste materials and/or sludges associated with each Defendant are all “solid waste” within the meanings of Sections 361.003(34) and (35) of the TSWDA.

1290. The USOR Site PRP Group consists of “persons” who have and continue to conduct “removal” actions that are approved by TCEQ and are reasonable and necessary to



address a “release” or threatened “release,” within the meanings of Sections 361.003 and 361.344 of the TSWDA, Tex. Health & Safety Code Ann. §§ 361.003, 361.344.

1291. Pursuant to Section 361.344 of the TSWDA, Tex. Health & Safety Code Ann. § 361.344, the USOR Site PRP Group is entitled to recovery the reasonable and necessary costs of the response actions conducted by the USOR Site PRP Group at the USOR Site to date, as well as other costs the Court, in its discretion, considers reasonable against each Defendant the USOR Site PRP Group notified of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site.

WHEREFORE, the USOR Site PRP Group respectfully prays that this Court enter judgment in its favor and against all Defendants the USOR Site PRP Group notified of the existence of the release or threatened release of hazardous substances at the USOR Site, and that the USOR Site PRP Group intended to take steps to eliminate the release or threatened release of hazardous substances at the USOR Site, holding that all such Defendants are liable for the response costs incurred or to be incurred by the USOR Site PRP Group, as well as other costs that the Court, in its discretion, considers reasonable. The USOR Site PRP Group further requests that this Court award interest and costs of suit, including reasonable attorney’s fees and consultant fees as permitted by law; and order any such other relief as the Court may deem just and appropriate under the circumstances.

**COUNT V – BREACH OF CONTRACT**

1292. The USOR Site PRP Group realleges and incorporates by reference Paragraph Nos. 1 through 1291 of this Complaint as if fully restated herein.

1293. The Participation Agreement entered into between the USOR Site PRP Group and Allchem and is a valid contract under Texas State law.

1294. The USOR Site PRP Group performed all actions according to the terms of the Participation Agreement with respect to Allchem.

1295. Pursuant to the terms of the Participation Agreement, a former member of the USOR Site PRP Group who either withdraws or is removed from the USOR Site PRP Group are still liable for such former member's respective share of any and all costs and expenses, including legal, technical and administrative costs, authorized by the USOR Site PRP Group or undertaken by the USOR Site PRP Group in accordance with the Participation Agreement to perform response cost activities at the USOR Site, up to the date of withdrawal and/or removal from the USOR Site PRP Group, whether or not such amounts have been invoiced to the former member at the point in time when such former member withdraws or is removed from the USOR Site PRP Group.

1296. Since breaching its contract with the USOR Site PRP Group, Allchem refuses to cooperate with the USOR Site PRP Group and has not paid its equitable share of response costs incurred by the USOR Site PRP Group at the USOR Site.

1297. As such, Allchem has breached the Participation Agreement, which has caused the USOR Site PRP Group to sustain damages.

1298. The Participation Agreement entered into between the USOR Site PRP Group and USA Environment and is a valid contract under Texas State law.

1299. The USOR Site PRP Group performed all actions according to the terms of the Participation Agreement with respect to USA Environment.

1300. Pursuant to the terms of the Participation Agreement, a former member of the USOR Site PRP Group who either withdraws or is removed from the USOR Site PRP Group are still liable for such former member's respective share of any and all costs and expenses, including legal, technical and administrative costs, authorized by the USOR Site PRP Group or undertaken by the USOR Site PRP Group in accordance with the Participation Agreement to perform response cost activities at the USOR Site, up to the date of withdrawal and/or removal from the USOR Site PRP Group, whether or not such amounts have been invoiced to the former member at the point in time when such former member withdraws or is removed from the USOR Site PRP Group.

1301. Since breaching its contract with the USOR Site PRP Group, USA Environment refuses to cooperate with the USOR Site PRP Group and has not paid its equitable share of response costs incurred by the USOR Site PRP Group at the USOR Site.

1302. As such, USA Environment has breached the Participation Agreement, which has caused the USOR Site PRP Group to sustain damages.

WHEREFORE, the USOR Site PRP Group respectfully prays that this Court enter judgment in its favor and against Defendants Allchem Services Inc. and USA Environment, LP, holding that each Defendant is liable for their respective unpaid assessment of response costs incurred by the USOR Site PRP Group at the USOR Site response costs incurred or to be incurred by the USOR Site PRP Group. The USOR Site PRP Group further requests that this Court award interest and costs of suit, including reasonable attorney's fees and consultant fees as

permitted by law; and order any such other relief as the Court may deem just and appropriate under the circumstances.

Dated: June 24, 2019

Respectfully submitted,

THE JUSTIS LAW FIRM LLC

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